

# **SESSION LAWS OF MISSOURI**

**Passed during the  
NINETY-SECOND GENERAL ASSEMBLY**

First Regular Session, which convened at the City of Jefferson,  
Wednesday, January 8, 2003, and adjourned May 30, 2003.

First Extraordinary Session, which convened at the City of Jefferson,  
Monday, June 2, 2003. The House adjourned Monday, June 30, 2003,  
and the Senate adjourned Tuesday, July 1, 2003.

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**Published by the  
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LEGISLATIVE RESEARCH**

In compliance with Sections 2.030 and 2.040,  
Revised Statutes of Missouri, 2000  
and  
Senate Concurrent Resolution No. 10  
First Regular Session  
Ninety-second General Assembly

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2002 - 2003

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## **HOW TO USE THE SESSION LAWS**

The first pages contain the *Popular Name Table* and the *Table of Sections Affected by 2003 Legislation* from the First Regular Session.

The text of all 2003 House and Senate Bills and the Concurrent Resolutions appear next. The appropriation bills are presented first, with all others following in numerical order.

The appropriation bills from the First Extraordinary Session appear following the resolutions.

A sponsor index and a subject index are included at the end of this volume.

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## Authority for Publishing Session Laws and Resolutions

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Section 2.030, Revised Statutes of Missouri, 2000. — General Assembly to provide for printing and binding of laws. — The sixty-fourth general assembly and each general assembly thereafter, whether in regular or extraordinary session, shall by concurrent resolution adopted by both houses, provide for collating, indexing, printing and binding all laws and resolutions of the session and all measures approved by the people since the last publication of the laws and resolutions in the manner directed by the resolution. The general assembly may by concurrent resolution require that all laws passed by the general assembly and all resolutions adopted prior to any recess of the general assembly for a period of thirty days or more shall be collated, indexed, bound and distributed as provided by law, and any edition published pursuant to the concurrent resolution is a part of the official laws and resolutions of the general assembly at which the laws and resolutions were passed.

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Section 2.040, Revised Statutes of Missouri, 2000. — Duties of Legislative Research in printing and binding. — The joint committee on legislative research shall provide copies of all laws, measures and resolutions duly enacted by the general assembly and all amendments to the constitution and all measures approved by the people since the last publication of such laws and resolutions, giving the date of the approval or adoption thereof for printing in accordance with the directions of the general assembly as given by concurrent resolution. The joint committee on legislative research shall edit, headnote, collate, index the laws, resolutions and constitutional amendments, and shall compare the proof sheets of the printed copies with the original rolls, note all errors which have been committed, if any, and cause errata thereof to be annexed to the completed printed copies, and the revisor of statutes shall insert therein an attestation under the revisor's hand that the revisor has compared the laws, resolutions, constitutional amendments and measures therein contained with the original rolls and copies in the office of the secretary of state and that the same are true copies of such laws, measures, resolutions and constitutional amendments as the same appear in the original rolls in the office of the secretary of state. The joint committee on legislative research shall cause the completed laws, resolutions and constitutional amendments to be printed and bound.

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SENATE CONCURRENT RESOLUTION NO. 10, 2003 General Assembly.—BE IT RESOLVED by the Senate of the Ninety-second General Assembly, the House of Representatives concurring therein, that the Missouri Committee on Legislative Research shall prepare and cause to be collated, indexed, printed and bound all acts and resolutions of the Ninety-second General Assembly, First Regular Session, and shall examine the printed copies and compare them with and correct the same by the original rolls, together with an attestation under the hand of the Revisor of Statutes that she has compared the same with the original rolls in her office and has corrected the same thereby; and

BE IT FURTHER RESOLVED that the size and quality of the paper and binding shall be substantially the same as used in prior session laws and the size and style of type shall be determined by the Revisor of Statutes; and

BE IT FURTHER RESOLVED that the Joint Committee on Legislative Research is authorized to print and bind copies of the acts and resolutions of the Ninety-second General Assembly, First Regular Session, with appropriate indexing; and

BE IT FURTHER RESOLVED that the Revisor of Statutes is authorized to determine the number of copies to be printed.

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) SS.

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I, Patricia L. Buxton, Revisor of Statutes, hereby certify that I have collated carefully the laws and resolutions passed by the Ninety-second General Assembly of the State of Missouri, convened in first regular session and first extraordinary session, as they are contained in the following pages, and have compared them with the original rolls and have corrected them thereby. Headnotes are used for the convenience of the reader and are not part of the laws they precede.

IN TESTIMONY WHEREOF, I have hereunto set my hand at my office in the City of Jefferson this seventeenth day of July A.D. two thousand three.

PATRICIA L. BUXTON  
REVISOR OF STATUTES

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**Section 29, Article III of the Constitution provides:**

“No law passed by the general assembly, except an appropriation act, shall take effect until ninety days after the adjournment of the session in either odd-numbered or even-numbered years at which it was enacted. However, in case of an emergency which must be expressed in the preamble or in the body of the act, the general assembly by a two-thirds vote of the members elected to each house, taken by yeas and nays may otherwise direct; and further except that, if the general assembly recesses for thirty days or more it may prescribe by joint resolution that laws previously passed and not effective shall take effect ninety days from the beginning of the recess.”

The Ninety-second General Assembly, First Regular Session, convened Wednesday, January 8, 2003, and adjourned May 30, 2003. All laws passed by it (other than appropriation acts, those having emergency clauses or different effective dates) became effective ninety days thereafter on August 28, 2003.

## JOINT RESOLUTIONS AND INITIATIVE PETITIONS

### Section 2(b), Article XII of the Constitution provides:

“All amendments proposed by the general assembly or by the initiative shall be submitted to the electors for their approval or rejection by official ballot title as may be provided by law, on a separate ballot without party designation, at the next general election, or at a special election called by the governor prior thereto, at which he may submit any of the amendments..... If a majority of the votes cast thereon is in favor of any amendment, the same shall take effect at the end of thirty days after the election. More than one amendment at the same election shall be so submitted as to enable the electors to vote on each amendment separately.”

The Ninety-second General Assembly, First Regular Session, passed no Joint Resolutions. Resolutions are to be published as provided in Section 116.340, RSMo 2000, which reads:

“**116.340. Publication of approved measures.** — When a statewide ballot measure is approved by the voters, the secretary of state\* shall publish it with the laws enacted by the following session of the general assembly, and the revisor of statutes shall include it in the next edition or supplement of the revised statutes of Missouri. Each of the measures printed above shall include the date of the proclamation or statement of approval under section 116.330.”

\*The publication of session laws was delegated to the Joint Committee on Legislative Research in 1997 by Senate Bill 459, section 2.040.

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The headnotes used to describe sections printed in this volume may not be identical with the headnotes which appear in the 2003 Supplement to the Revised Statutes of Missouri. Every attempt has been made to develop headnotes which adequately describe the textual material contained in the section.

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The Joint Committee on Legislative Research is  
pleased to state that the *2003 Session Laws* is  
produced with soy-based ink.

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## **POPULAR NAME TABLE**

### **2003 LEGISLATION**

Amber Alert System, SB 30  
Section 210.1012 to 210.1014

Basic Civil Legal Services Fund, SB 447  
Sections 477.650 and 488.031

Dominic James Memorial Foster Care Reform Act of 2003, HB 679 (Vetoed)

Downtown and Rural Economic Stimulus Act, HB 289  
Sections 99.915 to 99.1060

Emancipation Day Established, HB 640  
Section 9.161

Missouri Calcium Initiative, HB 202  
Section 34.375

Missouri Downtown and Rural Economic Stimulus Act, HB 289  
Sections 99.915 to 99.1060

Missouri Securities Act, HB 380  
Sections 409.1-101 to 409.7-703

Missouri Sunset Act, SB 299  
Sections 23.250 to 23.298

MoSMART, Missouri Sheriff Methamphetamine Relief Taskforce, SB 39  
Section 650.350

Religious Freedom Restoration Act, SB 12  
Sections 1.302 and 1.307

Sales Tax Holiday, SB 11  
Section 144.049

SPAM, Unsolicited Commercial E-mail, HB 228  
Sections 407.1135 to 407.1147

Uniform Electronic Transactions Act, HB 254  
Sections 432.200 to 432.295

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# TABLE OF SECTIONS AFFECTED BY 2003 LEGISLATION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
1.302	New	SB 12	21.795	Amended	HB 668
1.307	New	SB 12	21.805	New	HB 465
8.370	Amended	HB 401	21.805	New	SB 511
8.400	Amended	HB 401	21.810	New	HB 600
8.420	Amended	HB 401	21.810	New	SB 11
8.601	New	HB 401	23.205	New	SB 548
8.625	New	HB 401	23.250	New	SB 299
8.628	New	HB 401	23.253	New	SB 299
8.631	New	HB 401	23.256	New	SB 299
8.634	New	HB 401	23.259	New	SB 299
8.637	New	HB 401	23.262	New	SB 299
8.640	Amended	HB 401	23.265	New	SB 299
8.643	New	HB 401	23.268	New	SB 299
8.646	New	HB 401	23.271	New	SB 299
8.649	New	HB 401	23.274	New	SB 299
9.161	New	HB 640	23.277	New	SB 299
10.141	New	HB 463	23.280	New	SB 299
10.150	Vetoed	HB 257	23.283	New	SB 299
10.160	New	SB 651	23.292	New	SB 299
21.250	Amended	SB 143	23.295	New	SB 299
21.750	Vetoed	SB 13	23.298	New	SB 299

SECTION	ACTION	BILL	SECTION	ACTION	BILL
26.740	Vetoed	HB 679	28.672	Repealed	HB 254
28.035	New	HB 511	28.675	Repealed	HB 254
28.600	Repealed	HB 254	28.678	Repealed	HB 254
28.603	Repealed	HB 254	28.681	Repealed	HB 254
28.606	Repealed	HB 254	30.270	Amended	SB 346
28.609	Repealed	HB 254	32.057	Amended	HB 600
28.612	Repealed	HB 254	33.080	Amended	SB 675
28.615	Repealed	HB 254	33.210	Amended	SB 299
28.618	Repealed	HB 254	33.270	Amended	SB 299
28.621	Repealed	HB 254	33.800	Amended	SB 299
28.624	Repealed	HB 254	33.803	Amended	SB 299
28.627	Repealed	HB 254	33.805	Amended	SB 299
28.630	Repealed	HB 254	33.807	Amended	SB 299
28.633	Repealed	HB 254	33.810	Amended	SB 299
28.636	Repealed	HB 254	34.040	Amended	HB 600
28.639	Repealed	HB 254	34.059	New	HB 314
28.642	Repealed	HB 254	34.070	Amended	SB 11
28.645	Repealed	HB 254	34.073	Amended	SB 11
28.648	Repealed	HB 254	34.360	Vetoed	SB 280
28.651	Repealed	HB 254	34.363	Vetoed	SB 280
28.654	Repealed	HB 254	34.366	Vetoed	SB 280
28.657	Repealed	HB 254	34.369	Vetoed	SB 280
28.660	Repealed	HB 254	34.371	Vetoed	SB 280
28.663	Repealed	HB 254	34.375	New	HB 202
28.666	Repealed	HB 254	37.410	New	SB 243
28.669	Repealed	HB 254	37.413	New	SB 243

SECTION	ACTION	BILL	SECTION	ACTION	BILL
37.700	Vetoed	HB 679	43.527	Vetoed	HB 679
37.705	Vetoed	HB 679	43.527	Amended	SB 184
37.710	Vetoed	HB 679	43.530	Amended	HB 613
37.715	Vetoed	HB 679	43.530	Vetoed	HB 679
37.725	Vetoed	HB 679	43.530	Amended	SB 184
37.730	Vetoed	HB 679	43.532	Vetoed	HB 679
41.033	Vetoed	HB 598	43.532	New	SB 184
41.033	New	SB 4	43.540	Vetoed	HB 679
41.672	New	HB 292	43.540	Amended	SB 184
42.175	Amended	SB 219	43.542	Vetoed	HB 679
42.200	New	SB 219	43.542	New	SB 184
42.202	New	SB 219	43.543	Vetoed	HB 679
42.204	New	SB 219	43.543	Amended	SB 184
42.206	New	SB 219	43.650	New	SB 184
43.080	Amended	SB 212	44.090	Amended	HB 307
43.080	Amended	SB 468	46.144	Amended	HB 326
43.252	New	SB 675	48.020	Vetoed	SB 199
43.400	Amended	SB 30	48.030	Vetoed	SB 199
43.500	Vetoed	HB 679	49.091	Repealed	HB 267
43.500	Amended	SB 184	49.095	Repealed	HB 267
43.503	Vetoed	HB 679	49.170	Amended	HB 267
43.503	Amended	SB 184	49.266	Amended	HB 267
43.506	Vetoed	HB 679	49.267	Repealed	HB 267
43.506	Amended	SB 184	49.268	Repealed	HB 267
43.521	Vetoed	HB 679	49.269	Repealed	HB 267
43.521	Repealed	SB 184	49.272	Vetoed	SB 199

SECTION	ACTION	BILL	SECTION	ACTION	BILL
49.272	New	SB 537	59.163	Amended	HB 221
49.273	Repealed	HB 267	59.163	Amended	SB 346
49.278	Amended	HB 267	59.321	New	HB 221
49.370	Amended	HB 267	59.321	New	SB 346
49.370	Amended	SB 281	59.330	Amended	SB 383
49.380	Repealed	HB 267	59.480	Amended	SB 61
49.380	Repealed	SB 281	59.480	Amended	SB 325
49.650	New	HB 267	59.490	Repealed	SB 325
50.535	Vetoed	HB 349	60.010	Amended	HB 267
50.550	Vetoed	SB 199	64.341	Amended	SB 282
50.565	Vetoed	SB 199	64.342	Amended	SB 234
50.640	Amended	HB 613	64.905	Amended	HB 244
50.640	Amended	SB 465	64.905	Amended	SB 121
50.740	Vetoed	SB 199	64.907	New	HB 267
54.261	Amended	SB 547	64.907	Vetoed	SB 199
56.640	Vetoed	SB 199	67.133	Repealed	HB 613
56.640	Amended	SB 537	67.133	Repealed	SB 466
56.807	Amended	SB 5	67.210	Amended	HB 553
57.290	Amended	HB 613	67.230	New	SB 269
57.290	Amended	SB 466	67.399	Amended	HB 267
58.096	Vetoed	HB 376	67.399	Vetoed	SB 199
58.096	Amended	SB 376	67.584	New	HB 97
58.451	Vetoed	HB 375	67.584	Vetoed	SB 250
58.451	Vetoed	SB 425	67.700	Amended	SB 522
59.041	Amended	SB 186	67.990	Amended	HB 600
59.042	Amended	SB 186	67.1360	Amended	SB 228

SECTION	ACTION	BILL	SECTION	ACTION	BILL
67.1442	New	HB 277	72.130	Amended	SB 238
67.1442	New	SB 379	77.070	Amended	SB 136
67.1451	Amended	HB 472	82.291	New	SB 621
67.1461	Amended	HB 472	84.140	Amended	SB 248
67.1775	Amended	HB 267	84.140	Amended	SB 513
67.1775	Vetoed	SB 199	84.510	Amended	HB 199
67.1850	Amended	HB 388	84.510	Amended	SB 14
67.2000	Vetoed	SB 199	84.570	Amended	SB 5
67.2010	New	HB 318	86.251	Amended	HB 152
67.2010	New	SB 101	86.251	Amended	SB 248
67.2015	Vetoed	SB 199	86.370	Amended	HB 152
67.2015	New	SB 228	86.370	Amended	SB 212
67.2030	New	HB 600	86.374	New	HB 152
70.605	Amended	HB 131	86.374	New	SB 212
70.635	Amended	HB 131	86.393	Amended	HB 152
70.660	Amended	HB 348	86.393	Amended	SB 212
70.661	Amended	HB 131	86.394	New	HB 152
70.685	Repealed	HB 131	86.394	New	SB 212
70.686	Amended	HB 348	86.394	New	SB 248
70.795	Repealed	HB 131	86.398	Amended	HB 152
71.611	New	SB 11	86.398	Amended	SB 212
71.620	Amended	HB 289	86.407	Amended	HB 152
71.620	Amended	HB 600	86.407	Amended	SB 212
72.080	Amended	HB 166	86.434	New	HB 152
72.080	Amended	SB 238	86.434	New	SB 212
72.130	Amended	HB 166	86.445	New	HB 152

SECTION	ACTION	BILL	SECTION	ACTION	BILL
86.445	New	SB 212	91.030	Amended	SB 555
86.445	New	SB 248	92.402	Amended	HB 122
86.447	Amended	HB 152	92.418	Amended	HB 122
86.447	Amended	SB 212	94.834	New	HB 181
86.600	Amended	HB 152	99.820	Amended	SB 11
86.600	Amended	SB 212	99.845	Amended	HB 289
86.611	New	HB 152	99.845	Amended	SB 235
86.611	New	SB 212	99.845	Amended	SB 620
86.665	New	HB 152	99.915	New	HB 289
86.665	New	SB 212	99.918	New	HB 289
86.671	Amended	HB 152	99.919	New	HB 289
86.671	Amended	SB 212	99.921	New	HB 289
86.676	New	HB 152	99.924	New	HB 289
86.676	New	SB 212	99.927	New	HB 289
86.676	New	SB 248	99.930	New	HB 289
86.690	Amended	HB 152	99.933	New	HB 289
86.690	Amended	SB 212	99.936	New	HB 289
86.690	Amended	SB 248	99.939	New	HB 289
86.720	Amended	HB 152	99.942	New	HB 289
86.720	Amended	SB 212	99.945	New	HB 289
86.745	Amended	HB 152	99.948	New	HB 289
86.745	Amended	SB 212	99.951	New	HB 289
87.182	Amended	SB 456	99.954	New	HB 289
91.026	New	HB 208	99.957	New	HB 289
91.026	New	SB 555	99.958	New	HB 289
91.030	Amended	HB 208	99.960	New	HB 289

SECTION	ACTION	BILL	SECTION	ACTION	BILL
99.963	New	HB 289	100.010	Amended	HB 289
99.965	New	HB 289	100.050	Amended	HB 289
99.968	New	HB 289	100.060	New	HB 289
99.971	New	HB 289	100.105	Amended	HB 289
99.975	New	HB 289	100.180	Amended	HB 289
99.980	New	HB 289	100.710	Amended	HB 289
99.1000	New	HB 289	100.710	Amended	SB 620
99.1006	New	HB 289	100.840	Amended	HB 289
99.1009	New	HB 289	100.840	Amended	SB 620
99.1012	New	HB 289	100.850	Amended	HB 289
99.1015	New	HB 289	100.850	Amended	SB 620
99.1018	New	HB 289	103.175	Amended	SB 317
99.1021	New	HB 289	104.010	Amended	SB 248
99.1027	New	HB 289	104.040	Amended	SB 248
99.1030	New	HB 289	104.110	Amended	SB 248
99.1033	New	HB 289	104.271	Amended	SB 248
99.1036	New	HB 289	104.340	Amended	SB 248
99.1039	New	HB 289	104.370	Amended	SB 248
99.1042	New	HB 289	104.460	Amended	SB 248
99.1043	New	HB 289	104.517	Amended	SB 248
99.1045	New	HB 289	104.806	New	SB 248
99.1048	New	HB 289	104.1003	Amended	SB 248
99.1051	New	HB 289	104.1021	Amended	SB 248
99.1054	New	HB 289	104.1024	Amended	SB 248
99.1057	New	HB 289	104.1051	Amended	SB 248
99.1060	New	HB 289	104.1072	Amended	SB 248

SECTION	ACTION	BILL	SECTION	ACTION	BILL
104.1093	Amended	SB 248	115.157	Amended	HB 511
105.267	Amended	SB 426	115.158	Amended	HB 511
105.679	New	HB 131	115.159	Amended	HB 511
105.711	Vetoed	SB 280	115.165	Amended	HB 511
109.250	Amended	SB 108	115.275	Amended	HB 511
115.027	Amended	HB 511	115.277	Amended	HB 511
115.073	Amended	HB 511	115.279	Amended	HB 511
115.073	Vetoed	SB 358	115.283	Amended	HB 511
115.074	Amended	HB 511	115.284	Amended	HB 511
115.076	Amended	HB 511	115.287	Amended	HB 511
115.077	Amended	HB 511	115.292	Amended	HB 511
115.078	New	HB 511	115.359	Vetoed	SB 29
115.085	Amended	HB 511	115.363	Vetoed	SB 29
115.098	Amended	HB 511	115.417	Amended	HB 511
115.103	Amended	HB 511	115.430	Amended	HB 511
115.105	Amended	HB 511	115.436	Amended	HB 511
115.107	Amended	HB 511	115.531	Amended	HB 133
115.115	Amended	HB 511	115.575	Amended	HB 133
115.121	Amended	SB 686	115.637	Amended	HB 511
115.124	Amended	SB 686	115.761	Amended	HB 511
115.125	Amended	HB 511	115.801	Amended	HB 511
115.127	Amended	HB 511	116.025	New	HB 511
115.127	Amended	SB 136	116.130	Amended	SB 50
115.133	Amended	HB 511	116.175	Amended	HB 511
115.135	Amended	HB 511	116.175	Amended	SB 623
115.155	Amended	HB 511	116.190	Amended	HB 511

SECTION	ACTION	BILL	SECTION	ACTION	BILL
116.190	Amended	SB 623	137.082	Amended	SB 120
130.016	Amended	HB 99	137.083	New	SB 122
135.207	Amended	HB 289	137.100	Amended	SB 11
135.207	Vetoed	SB 199	137.115	Amended	HB 57
135.207	Amended	SB 504	137.155	Amended	HB 57
135.261	Vetoed	SB 199	137.298	Vetoed	HB 327
135.276	New	HB 289	137.360	Amended	HB 57
135.276	New	SB 620	137.721	Amended	SB 16
135.277	New	HB 289	139.031	Amended	HB 60
135.277	New	SB 620	140.150	Amended	SB 295
135.279	New	HB 289	140.170	Amended	SB 295
135.279	New	SB 620	140.190	Amended	SB 295
135.281	New	HB 289	140.200	Repealed	SB 295
135.281	New	SB 620	140.210	Repealed	SB 295
135.283	New	HB 289	140.220	Amended	SB 295
135.283	New	SB 620	140.230	Amended	SB 295
135.327	Vetoed	HB 679	140.260	Amended	SB 295
135.400	Amended	HB 289	140.280	Amended	SB 295
135.431	Amended	HB 289	140.340	Amended	SB 295
135.500	Amended	HB 289	140.350	Amended	SB 295
135.503	Amended	HB 289	140.360	Amended	SB 295
135.516	Amended	HB 289	140.370	Amended	SB 295
135.517	New	HB 289	140.390	Repealed	SB 295
135.520	Amended	HB 289	140.400	Repealed	SB 295
136.320	New	HB 600	140.405	Amended	SB 295
136.325	New	HB 600	140.410	Amended	SB 295

SECTION	ACTION	BILL	SECTION	ACTION	BILL
140.420	Amended	SB 295	161.092	Amended	SB 296
140.440	Amended	SB 295	162.261	Amended	SB 686
143.121	Vetoed	HB 257	162.301	Amended	SB 136
143.121	Amended	SB 11	162.431	Amended	SB 686
143.124	Amended	HB 600	162.601	Amended	HB 511
143.181	Amended	HB 600	162.601	Amended	SB 686
143.181	Amended	SB 11	162.680	Amended	HB 655
143.183	Amended	SB 52	162.962	Amended	HB 655
143.225	Amended	HB 600	162.1100	Amended	HB 289
143.481	Amended	SB 293	162.1180	New	SB 686
143.782	Amended	HB 600	162.1190	New	SB 666
143.1020	New	HB 600	165.011	Amended	SB 686
144.025	Amended	HB 600	165.016	Amended	SB 686
144.030	Amended	HB 600	166.300	Amended	SB 675
144.030	Amended	SB 11	168.021	Amended	SB 296
144.049	New	SB 11	168.071	Vetoed	HB 679
144.062	Vetoed	HB 327	168.071	Amended	SB 296
144.081	Amended	HB 600	168.282	Vetoed	HB 679
144.190	Amended	HB 600	168.283	Vetoed	HB 679
144.250	Amended	HB 600	168.303	New	HB 152
144.615	Amended	SB 11	168.303	New	HB 346
144.817	New	SB 11	168.303	New	SB 248
148.330	Vetoed	HB 257	169.030	Amended	HB 346
148.330	Vetoed	SB 84	169.050	Amended	HB 346
150.150	Amended	HB 267	169.056	Amended	HB 346
160.360	Amended	SB 325	169.070	Amended	HB 346

SECTION	ACTION	BILL	SECTION	ACTION	BILL
169.073	New	HB 346	174.241	Amended	SB 55
169.331	New	HB 346	174.324	Amended	SB 55
169.570	Amended	HB 346	174.450	Amended	SB 55
169.577	Amended	HB 346	177.086	Amended	SB 686
169.590	Amended	HB 346	178.892	Amended	HB 289
169.596	New	HB 346	178.892	Amended	SB 620
169.620	Amended	HB 346	188.039	Vetoed	HB 156
169.650	Amended	HB 346	188.043	Vetoed	HB 156
169.655	Amended	HB 346	190.100	Amended	SB 68
169.670	Amended	HB 346	190.306	Vetoed	SB 199
169.673	New	HB 346	191.659	Amended	HB 477
169.712	Amended	HB 152	191.831	Vetoed	HB 327
169.712	Amended	HB 346	191.831	Amended	HB 600
169.712	Amended	SB 248	192.016	Vetoed	HB 679
170.049	New	SB 325	192.081	New	SB 175
171.031	Amended	SB 686	192.350	New	HB 59
171.033	Amended	HB 554	192.352	New	HB 59
173.005	Amended	SB 55	192.355	New	HB 59
173.355	Amended	SB 371	194.119	New	HB 394
173.385	Amended	SB 371	194.220	Amended	SB 351
173.387	Amended	HB 221	194.220	Amended	SB 355
173.387	Amended	SB 346	195.211	Amended	SB 39
173.390	Amended	HB 221	195.214	Amended	SB 39
173.390	Amended	SB 346	195.218	Amended	SB 39
174.020	Amended	SB 55	195.417	Amended	HB 470
174.231	Amended	SB 55	195.417	Amended	SB 39

SECTION	ACTION	BILL	SECTION	ACTION	BILL
195.505	Amended	SB 184	196.425	Repealed	SB 175
196.365	Repealed	HB 600	196.430	Repealed	HB 600
196.365	Repealed	SB 175	196.430	Repealed	SB 175
196.367	Repealed	HB 600	196.435	Repealed	HB 600
196.367	Repealed	SB 175	196.435	Repealed	SB 175
196.370	Repealed	HB 600	196.436	Repealed	HB 600
196.370	Repealed	SB 175	196.436	Repealed	SB 175
196.375	Repealed	HB 600	196.440	Repealed	HB 600
196.375	Repealed	SB 175	196.440	Repealed	SB 175
196.380	Repealed	HB 600	196.445	Repealed	HB 600
196.380	Repealed	SB 175	196.445	Repealed	SB 175
196.385	Repealed	HB 600	196.1100	New	HB 688
196.385	Repealed	SB 175	196.1103	New	HB 688
196.390	Repealed	HB 600	196.1106	New	HB 688
196.390	Repealed	SB 175	196.1109	New	HB 688
196.395	Repealed	HB 600	196.1112	New	HB 688
196.395	Repealed	SB 175	196.1115	New	HB 688
196.400	Repealed	HB 600	196.1118	New	HB 688
196.400	Repealed	SB 175	196.1121	New	HB 688
196.405	Repealed	HB 600	196.1124	New	HB 688
196.405	Repealed	SB 175	196.1127	New	HB 688
196.415	Repealed	HB 600	196.1130	New	HB 688
196.415	Repealed	SB 175	197.416	New	SB 556
196.420	Repealed	HB 600	197.478	New	SB 556
196.420	Repealed	SB 175	197.500	New	SB 556
196.425	Repealed	HB 600	197.725	Repealed	SB 556

SECTION	ACTION	BILL	SECTION	ACTION	BILL
198.006	Amended	SB 534	208.204	Vetoed	HB 679
198.006	Amended	SB 556	208.477	New	HB 286
198.015	Amended	SB 556	208.478	New	HB 286
198.022	Amended	SB 556	208.480	Amended	HB 286
198.027	New	SB 556	208.565	Amended	HB 286
198.030	New	SB 556	208.565	Amended	HB 600
198.032	Amended	SB 556	208.565	Amended	SB 307
198.036	Amended	SB 556	208.647	Vetoed	HB 679
198.066	New	SB 556	210.001	Amended	HB 575
198.067	Amended	SB 556	210.025	Vetoed	HB 679
198.070	Amended	SB 556	210.109	Vetoed	HB 679
198.071	New	SB 556	210.110	Vetoed	HB 679
198.082	Amended	SB 556	210.111	Vetoed	HB 679
198.086	Amended	SB 556	210.112	Vetoed	HB 679
198.105	Amended	SB 556	210.113	Vetoed	HB 679
198.301	New	SB 556	210.115	Amended	HB 445
198.428	New	SB 556	210.115	Vetoed	HB 679
198.525	Amended	SB 556	210.145	Amended	HB 613
198.526	Amended	SB 556	210.145	Vetoed	HB 679
198.528	New	SB 556	210.147	Vetoed	HB 679
198.532	Amended	SB 556	210.152	Vetoed	HB 679
198.600	New	SB 556	210.160	Vetoed	HB 679
207.050	Vetoed	HB 679	210.183	Vetoed	HB 679
207.060	Vetoed	HB 679	210.187	Vetoed	HB 679
207.085	Vetoed	HB 679	210.188	Vetoed	HB 679
208.152	Vetoed	HB 679	210.201	Vetoed	HB 679

SECTION	ACTION	BILL	SECTION	ACTION	BILL
210.211	Vetoed	HB 679	211.477	Amended	SB 63
210.482	Vetoed	HB 679	217.105	New	HB 138
210.487	Vetoed	HB 679	217.305	Amended	HB 138
210.518	Vetoed	HB 679	217.343	New	HB 138
210.542	Vetoed	HB 679	217.360	Amended	SB 399
210.565	Vetoed	HB 679	217.362	Amended	SB 5
210.760	Vetoed	HB 679	217.380	Amended	HB 138
210.762	Vetoed	HB 679	217.730	Amended	SB 321
210.903	Vetoed	HB 679	217.750	Amended	SB 5
210.903	Amended	SB 184	217.760	Amended	SB 5
210.909	Vetoed	HB 679	219.023	New	HB 356
210.909	Amended	SB 184	221.320	Amended	SB 184
210.922	Vetoed	HB 679	221.340	Amended	SB 184
210.922	Amended	SB 184	221.350	Amended	SB 184
210.937	Vetoed	HB 679	226.030	Amended	HB 668
210.937	Repealed	SB 184	226.033	New	HB 668
210.1012	New	HB 185	226.096	New	HB 668
210.1012	New	SB 30	226.525	Vetoed	HB 327
210.1014	New	HB 185	226.535	Vetoed	HB 327
210.1014	New	SB 30	227.120	Vetoed	HB 327
211.031	Vetoed	HB 679	227.330	New	HB 162
211.032	Vetoed	HB 679	227.331	New	SB 423
211.059	Vetoed	HB 679	227.334	New	SB 289
211.171	Vetoed	HB 679	227.335	New	HB 261
211.181	Vetoed	HB 679	227.336	New	HB 245
211.321	Vetoed	HB 679	227.337	New	HB 249

SECTION	ACTION	BILL	SECTION	ACTION	BILL
227.338	Vetoed	HB 327	258.100	Vetoed	SB 280
227.338	Vetoed	HB 598	260.830	Amended	SB 11
227.338	New	SB 598	260.830	Amended	SB 546
227.340	New	SB 697	260.831	Amended	SB 546
227.342	New	SB 289	261.250	Vetoed	HB 257
227.343	New	SB 423	261.253	Vetoed	HB 257
231.280	Amended	HB 597	261.256	Vetoed	HB 257
233.295	Vetoed	HB 594	261.259	Vetoed	HB 257
238.207	Vetoed	HB 327	261.262	Vetoed	HB 257
238.207	Amended	HB 668	261.265	Vetoed	HB 257
238.210	Vetoed	HB 327	261.268	Vetoed	HB 257
238.210	Amended	HB 668	261.271	Vetoed	HB 257
238.215	Vetoed	HB 327	261.277	Vetoed	HB 257
238.215	Amended	HB 668	261.283	Vetoed	HB 257
238.220	Vetoed	HB 327	261.289	Vetoed	HB 257
238.220	Amended	HB 668	262.290	Amended	SB 611
238.222	Vetoed	HB 327	267.800	Vetoed	HB 257
238.222	Amended	HB 668	285.300	Vetoed	SB 2
238.235	Vetoed	HB 327	287.310	Amended	SB 385
238.235	Amended	HB 668	287.716	New	SB 385
238.236	Vetoed	HB 327	287.717	New	SB 385
238.236	Amended	HB 668	287.845	Amended	SB 248
247.170	Amended	HB 511	288.036	Vetoed	SB 2
249.422	Amended	SB 218	288.037	New	SB 194
249.422	Amended	SB 301	288.038	Vetoed	SB 2
253.043	New	SB 606	288.040	Vetoed	SB 2

SECTION	ACTION	BILL	SECTION	ACTION	BILL
288.050	Vetoed	SB 2	301.147	Amended	SB 54
288.060	Vetoed	SB 2	301.190	Amended	HB 600
288.110	Vetoed	SB 2	301.456	Amended	HB 75
288.128	Vetoed	SB 2	301.456	Vetoed	HB 598
288.270	Vetoed	SB 2	301.463	Vetoed	HB 598
288.310	Vetoed	SB 2	301.567	Vetoed	HB 598
288.330	Vetoed	SB 2	301.3098	Vetoed	HB 598
288.385	Vetoed	SB 2	301.3106	Vetoed	HB 598
288.395	Vetoed	SB 2	301.3122	Vetoed	HB 598
292.602	Vetoed	HB 327	301.3123	Vetoed	HB 598
301.010	Vetoed	HB 327	301.3123	New	SB 4
301.010	Vetoed	HB 598	301.3124	Vetoed	HB 598
301.020	Amended	SB 355	301.3125	Vetoed	HB 598
301.026	Vetoed	HB 327	301.3126	Vetoed	HB 598
301.069	Vetoed	HB 327	301.3128	Vetoed	HB 598
301.069	Amended	HB 491	301.3129	Vetoed	HB 598
301.130	Amended	HB 491	301.3130	Vetoed	HB 598
301.130	Vetoed	HB 598	301.3131	Vetoed	HB 478
301.132	Vetoed	HB 598	301.3132	Vetoed	HB 493
301.133	Amended	HB 247	301.3132	Vetoed	HB 598
301.134	Vetoed	HB 598	301.3137	Vetoed	HB 598
301.141	Vetoed	HB 598	301.3139	Vetoed	HB 598
301.142	Amended	HB 491	301.3140	Vetoed	HB 598
301.142	Vetoed	HB 598	301.3141	Vetoed	HB 598
301.144	Vetoed	HB 598	301.3144	Vetoed	HB 598
301.147	Vetoed	HB 598	301.3145	Vetoed	HB 598

SECTION	ACTION	BILL	SECTION	ACTION	BILL
301.3999	Vetoed	HB 598	304.015	Vetoed	HB 327
301.4000	Amended	HB 187	304.021	Vetoed	HB 327
301.4000	Vetoed	HB 598	304.029	Vetoed	HB 327
302.171	Amended	SB 356	304.029	Vetoed	HB 598
302.225	Vetoed	HB 327	304.035	Vetoed	HB 327
302.272	Vetoed	HB 327	304.157	Vetoed	HB 327
302.272	Vetoed	HB 679	304.157	Repealed	SB 314
302.302	Vetoed	HB 327	304.580	Vetoed	HB 327
302.304	Vetoed	HB 327	304.601	Vetoed	HB 598
302.304	Amended	HB 600	306.016	Amended	HB 600
302.309	Vetoed	HB 327	306.127	New	SB 1
302.540	Vetoed	HB 327	306.128	New	SB 1
302.540	Amended	HB 600	306.129	New	SB 1
302.700	Vetoed	HB 327	306.410	Amended	HB 221
302.700	Amended	HB 371	306.410	Amended	SB 346
302.725	Vetoed	HB 327	307.125	Vetoed	HB 327
302.726	Vetoed	HB 327	307.125	Vetoed	HB 598
302.735	Vetoed	HB 327	307.127	Vetoed	HB 327
302.740	Vetoed	HB 327	307.127	Vetoed	HB 598
302.755	Vetoed	HB 327	307.156	Vetoed	HB 327
302.756	Vetoed	HB 327	307.177	Vetoed	HB 327
302.760	Vetoed	HB 327	307.177	Amended	HB 371
302.775	Vetoed	HB 327	307.178	Vetoed	SB 280
304.010	Vetoed	SB 199	307.366	Vetoed	HB 598
304.013	Vetoed	HB 327	307.366	Amended	SB 54
304.013	Vetoed	HB 598	307.400	Vetoed	HB 327

SECTION	ACTION	BILL	SECTION	ACTION	BILL
307.400	Amended	HB 371	313.826	New	HB 600
311.080	Amended	SB 298	313.835	Amended	HB 444
311.097	Amended	SB 298	313.835	Amended	SB 219
311.098	Amended	SB 298	320.094	Amended	HB 521
311.102	Amended	SB 298	320.095	New	SB 202
311.195	Amended	SB 298	321.120	Amended	HB 511
311.195	Amended	SB 540	321.552	Amended	SB 68
311.200	Amended	SB 298	324.245	Amended	SB 686
311.260	Amended	SB 298	324.409	Amended	SB 492
311.280	Amended	SB 298	327.172	New	SB 478
311.290	Amended	SB 298	327.401	Amended	SB 478
311.293	Amended	SB 298	327.411	Amended	SB 478
311.325	Amended	SB 298	328.110	Amended	HB 358
311.328	Amended	SB 298	332.071	Amended	SB 506
311.360	Amended	SB 298	332.327	Amended	HB 440
311.401	Amended	SB 298	334.104	Amended	HB 390
311.480	Amended	SB 298	334.400	New	HB 390
311.615	New	SB 298	334.402	New	HB 390
311.630	Amended	SB 298	334.404	New	HB 390
312.407	Amended	SB 298	334.406	New	HB 390
312.410	Amended	SB 298	334.408	New	HB 390
313.057	Amended	HB 523	334.410	New	HB 390
313.057	Amended	SB 294	334.412	New	HB 390
313.220	Amended	SB 294	334.414	New	HB 390
313.810	Amended	HB 523	334.416	New	HB 390
313.810	Amended	SB 294	334.418	New	HB 390

SECTION	ACTION	BILL	SECTION	ACTION	BILL
334.420	New	HB 390	347.720	Amended	SB 394
334.422	New	HB 390	348.015	Vetoed	HB 257
334.424	New	HB 390	348.015	Amended	HB 289
334.426	New	HB 390	348.195	Amended	HB 464
334.428	New	HB 390	348.195	Amended	SB 388
334.430	New	HB 390	348.210	Amended	HB 464
337.030	Amended	SB 478	348.210	Amended	SB 388
337.600	Amended	HB 332	348.430	Vetoed	HB 257
337.604	New	HB 332	348.430	Vetoed	SB 84
337.633	Amended	HB 332	348.432	Vetoed	HB 257
338.501	Repealed	HB 286	348.432	Vetoed	SB 84
338.501	Repealed	HB 600	349.045	Amended	HB 351
338.515	Amended	HB 286	351.046	Amended	SB 394
338.520	Amended	HB 286	351.120	Amended	HB 600
338.520	Amended	HB 600	351.140	Amended	HB 600
338.525	Repealed	HB 286	351.182	Amended	SB 394
338.545	Repealed	HB 286	351.268	Amended	SB 394
338.545	Repealed	HB 600	351.315	Amended	SB 394
338.550	Amended	HB 286	351.320	Amended	SB 394
338.550	Amended	HB 600	351.385	Amended	SB 394
339.105	Amended	HB 600	351.455	Amended	SB 394
339.105	Amended	SB 675	351.484	Amended	HB 600
339.517	Amended	SB 327	352.400	Amended	HB 445
339.537	Amended	SB 327	352.400	Vetoed	HB 679
340.216	Vetoed	HB 257	354.085	Amended	HB 121
347.700	Amended	SB 394	354.405	Amended	HB 121

SECTION	ACTION	BILL	SECTION	ACTION	BILL
354.603	Amended	HB 121	362.295	Amended	HB 221
355.176	Vetoed	SB 280	362.295	Amended	SB 346
355.331	Amended	SB 463	362.910	Amended	HB 221
355.856	Amended	HB 600	362.910	Amended	SB 346
356.211	Amended	HB 600	362.923	Amended	HB 221
358.150	Amended	SB 394	362.923	Amended	SB 346
358.520	Amended	SB 394	364.030	Amended	SB 346
359.165	Amended	SB 394	364.105	Amended	SB 346
361.130	Amended	HB 221	365.030	Amended	SB 346
361.130	Amended	SB 346	367.140	Amended	SB 346
361.140	Amended	HB 221	367.509	Amended	SB 346
361.140	Amended	SB 346	369.159	Amended	HB 221
361.160	Amended	HB 221	369.159	Amended	SB 346
361.160	Amended	SB 346	370.171	New	HB 221
361.170	Amended	HB 221	370.171	New	SB 346
361.170	Amended	SB 346	374.150	Amended	SB 675
362.010	Amended	HB 221	376.429	Amended	SB 407
362.010	Amended	SB 346	376.1222	New	HB 455
362.105	Amended	HB 221	376.1230	New	HB 121
362.105	Amended	SB 346	376.1231	New	HB 121
362.106	Amended	HB 221	386.050	Amended	HB 208
362.106	Amended	SB 346	386.135	New	HB 208
362.111	New	HB 221	386.210	Amended	HB 208
362.111	New	SB 346	386.756	Amended	HB 208
362.170	Amended	HB 221	389.610	Vetoed	HB 327
362.170	Amended	SB 346	389.1020	New	SB 529

SECTION	ACTION	BILL	SECTION	ACTION	BILL
390.020	Vetoed	HB 327	407.1147	New	HB 228
392.200	Amended	HB 208	407.1200	Vetoed	HB 598
393.110	Amended	HB 208	407.1203	Vetoed	HB 598
393.110	Amended	SB 255	407.1206	Vetoed	HB 598
393.310	Amended	HB 208	407.1209	Vetoed	HB 598
393.310	Amended	SB 686	407.1212	Vetoed	HB 598
393.1000	New	HB 208	407.1215	Vetoed	HB 598
393.1003	New	HB 208	407.1218	Vetoed	HB 598
393.1006	New	HB 208	407.1221	Vetoed	HB 598
393.1009	New	HB 208	407.1224	Vetoed	HB 598
393.1012	New	HB 208	407.1225	Vetoed	HB 598
393.1015	New	HB 208	407.1227	Vetoed	HB 598
400.9.525	Amended	HB 221	407.1355	New	SB 61
400.9.525	Amended	SB 346	408.040	Vetoed	SB 280
402.199	Vetoed	HB 679	408.140	Amended	SB 346
402.200	Vetoed	HB 679	408.233	Amended	SB 346
402.205	Vetoed	HB 679	408.450	Repealed	HB 221
402.215	Vetoed	HB 679	408.450	Repealed	SB 346
402.217	Vetoed	HB 679	408.455	Amended	HB 221
407.433	Amended	HB 221	408.455	Amended	SB 346
407.433	Amended	SB 292	408.460	Repealed	HB 221
407.433	Amended	SB 346	408.460	Repealed	SB 346
407.735	Amended	SB 207	408.465	Repealed	HB 221
407.1035	New	HB 392	408.465	Repealed	SB 346
407.1135	New	HB 228	408.467	Repealed	HB 221
407.1144	New	HB 228	408.467	Repealed	SB 346

SECTION	ACTION	BILL	SECTION	ACTION	BILL
408.470	Repealed	HB 221	409.407	Repealed	HB 380
408.470	Repealed	SB 346	409.408	Repealed	HB 380
408.500	Amended	SB 346	409.409	Repealed	HB 380
408.653	Repealed	HB 221	409.410	Repealed	HB 380
408.653	Repealed	SB 346	409.411	Repealed	HB 380
408.654	Repealed	HB 221	409.412	Repealed	HB 380
408.654	Repealed	SB 346	409.413	Repealed	HB 380
409.101	Repealed	HB 380	409.414	Repealed	HB 380
409.102	Repealed	HB 380	409.415	Repealed	HB 380
409.201	Repealed	HB 380	409.416	Repealed	HB 380
409.202	Repealed	HB 380	409.418	Repealed	HB 380
409.203	Repealed	HB 380	409.420	Repealed	HB 380
409.204	Repealed	HB 380	409.421	Repealed	HB 380
409.301	Repealed	HB 380	409.1.101	New	HB 380
409.302	Repealed	HB 380	409.1.102	New	HB 380
409.303	Repealed	HB 380	409.1.103	New	HB 380
409.304	Repealed	HB 380	409.1.104	New	HB 380
409.305	Repealed	HB 380	409.1.105	New	HB 380
409.306	Repealed	HB 380	409.2.201	New	HB 380
409.307	Repealed	HB 380	409.2.202	New	HB 380
409.401	Repealed	HB 380	409.2.203	New	HB 380
409.402	Repealed	HB 380	409.2.204	New	HB 380
409.403	Repealed	HB 380	409.3.301	New	HB 380
409.404	Repealed	HB 380	409.3.302	New	HB 380
409.405	Repealed	HB 380	409.3.303	New	HB 380
409.406	Repealed	HB 380	409.3.304	New	HB 380

SECTION	ACTION	BILL	SECTION	ACTION	BILL
409.3.305	New	HB 380	409.6.602	New	HB 380
409.3.306	New	HB 380	409.6.603	New	HB 380
409.3.307	New	HB 380	409.6.604	New	HB 380
409.4.401	New	HB 380	409.6.605	New	HB 380
409.4.402	New	HB 380	409.6.606	New	HB 380
409.4.403	New	HB 380	409.6.607	New	HB 380
409.4.404	New	HB 380	409.6.608	New	HB 380
409.4.405	New	HB 380	409.6.609	New	HB 380
409.4.406	New	HB 380	409.6.610	New	HB 380
409.4.407	New	HB 380	409.6.611	New	HB 380
409.4.408	New	HB 380	409.6.612	New	HB 380
409.4.409	New	HB 380	409.7.701	New	HB 380
409.4.410	New	HB 380	409.7.702	New	HB 380
409.4.411	New	HB 380	409.7.703	New	HB 380
409.4.412	New	HB 380	415.405	Amended	HB 512
409.5.501	New	HB 380	415.405	Amended	SB 373
409.5.502	New	HB 380	415.410	Amended	HB 512
409.5.503	New	HB 380	415.410	Amended	SB 373
409.5.504	New	HB 380	415.415	Amended	HB 512
409.5.505	New	HB 380	415.415	Amended	SB 373
409.5.506	New	HB 380	415.420	Amended	HB 512
409.5.507	New	HB 380	415.420	Amended	SB 373
409.5.508	New	HB 380	430.030	Vetoed	HB 257
409.5.509	New	HB 380	430.225	Amended	HB 121
409.5.510	New	HB 380	430.225	Vetoed	SB 280
409.6.601	New	HB 380	431.064	Amended	SB 431

SECTION	ACTION	BILL	SECTION	ACTION	BILL
432.200	New	HB 254	454.505	Amended	SB 471
432.205	New	HB 254	454.606	Amended	SB 330
432.210	New	HB 254	455.027	Amended	HB 613
432.215	New	HB 254	455.030	Amended	HB 253
432.220	New	HB 254	455.030	Amended	HB 613
432.225	New	HB 254	455.504	Amended	HB 613
432.230	New	HB 254	455.516	Amended	HB 613
432.235	New	HB 254	473.730	Amended	HB 267
432.240	New	HB 254	473.730	Vetoed	SB 199
432.245	New	HB 254	475.024	Vetoed	HB 679
432.250	New	HB 254	476.055	Amended	SB 448
432.255	New	HB 254	476.058	Amended	HB 613
432.260	New	HB 254	476.340	Amended	HB 430
432.265	New	HB 254	476.340	Amended	HB 613
432.270	New	HB 254	476.340	Amended	SB 457
432.275	New	HB 254	476.385	Amended	HB 613
432.295	New	HB 254	477.600	Amended	HB 613
447.040	Amended	SB 288	477.600	Amended	SB 465
447.510	Amended	SB 346	477.650	New	SB 447
452.311	Amended	HB 613	478.610	Amended	SB 5
453.020	Vetoed	HB 679	483.015	Amended	SB 186
453.060	Vetoed	HB 679	484.053	New	HB 600
453.061	Vetoed	HB 679	488.026	New	SB 5
453.110	Vetoed	HB 679	488.029	New	SB 39
454.505	Amended	HB 613	488.031	New	SB 447
454.505	Amended	SB 330	488.032	Amended	HB 613

SECTION	ACTION	BILL	SECTION	ACTION	BILL
488.426	Amended	HB 613	509.290	Vetoed	SB 280
488.426	Amended	SB 474	510.120	Amended	HB 613
488.429	Amended	HB 552	510.263	Vetoed	SB 280
488.429	Amended	HB 613	511.350	Amended	HB 613
488.429	Amended	SB 474	511.510	Amended	HB 613
488.2220	New	HB 599	512.020	Vetoed	SB 280
488.2300	Amended	HB 613	512.085	New	SB 242
488.4014	Amended	HB 613	512.099	Vetoed	SB 280
488.4014	Amended	SB 466	512.180	Amended	HB 613
488.5025	New	HB 600	513.430	Amended	SB 552
488.5026	New	SB 5	513.475	Amended	HB 613
488.5028	New	HB 600	513.653	Amended	SB 5
488.5030	New	HB 600	516.600	Vetoed	HB 679
488.5320	Amended	HB 613	516.600	Vetoed	SB 280
488.5320	Amended	SB 466	523.050	Amended	HB 668
488.5339	Amended	HB 613	536.010	Vetoed	SB 69
488.5339	Amended	SB 467	536.050	Vetoed	SB 69
491.075	Vetoed	HB 679	536.077	Amended	HB 141
491.280	Amended	HB 613	536.077	Amended	HB 613
492.304	Vetoed	HB 679	536.077	Vetoed	SB 203
494.410	Amended	HB 613	536.110	Amended	SB 357
506.060	Amended	HB 613	536.300	Vetoed	SB 69
508.010	Vetoed	SB 280	536.305	Vetoed	SB 69
508.040	Vetoed	SB 280	536.310	Vetoed	SB 69
508.075	Vetoed	SB 280	536.315	Vetoed	SB 69
508.120	Vetoed	SB 280	536.320	Vetoed	SB 69

SECTION	ACTION	BILL	SECTION	ACTION	BILL
536.325	Vetoed	SB 69	565.186	Amended	SB 556
537.046	Vetoed	HB 679	565.188	Amended	SB 556
537.046	Vetoed	SB 280	565.350	New	SB 5
537.067	Vetoed	SB 280	568.045	Amended	SB 5
537.072	Vetoed	SB 280	570.030	Amended	SB 5
537.327	Vetoed	SB 280	570.040	Amended	SB 5
537.530	Vetoed	SB 280	570.145	Amended	SB 556
538.205	Vetoed	SB 280	571.030	Vetoed	HB 349
538.210	Vetoed	SB 280	571.030	Amended	SB 5
538.225	Vetoed	SB 280	571.094	Vetoed	HB 349
538.227	Vetoed	SB 280	573.052	New	HB 228
538.301	Vetoed	SB 280	573.509	New	SB 298
540.011	Repealed	HB 613	577.023	Vetoed	HB 327
540.021	Amended	HB 613	577.041	Vetoed	HB 327
556.061	Amended	SB 5	577.041	Amended	HB 600
557.036	Amended	SB 5	577.049	Vetoed	HB 327
558.011	Amended	SB 5	577.049	Amended	HB 600
558.016	Amended	SB 5	577.051	Amended	HB 613
558.019	Amended	SB 5	577.051	Amended	SB 468
558.019	Vetoed	SB 199	577.054	Vetoed	HB 327
559.021	Vetoed	SB 199	577.075	New	HB 470
559.026	Amended	SB 5	577.075	New	SB 39
559.115	Amended	SB 5	577.520	Vetoed	HB 327
565.081	Amended	SB 5	577.520	Amended	HB 600
565.082	Amended	SB 5	589.400	Amended	SB 5
565.083	Amended	SB 5	589.400	Amended	SB 184

SECTION	ACTION	BILL	SECTION	ACTION	BILL
589.407	Amended	SB 5	640.725	Vetoed	HB 257
589.407	Amended	SB 184	640.730	Vetoed	HB 257
589.414	Amended	SB 5	640.735	Vetoed	HB 257
589.414	Amended	SB 184	640.740	Vetoed	HB 257
595.010	Vetoed	SB 401	640.745	Vetoed	HB 257
595.045	Vetoed	SB 401	640.747	Vetoed	HB 257
595.209	Amended	SB 5	640.750	Vetoed	HB 257
610.120	Amended	SB 184	640.755	Vetoed	HB 257
610.123	Amended	SB 184	640.758	Vetoed	HB 257
630.097	Vetoed	HB 679	643.310	Vetoed	HB 598
630.140	Vetoed	HB 679	643.310	Amended	SB 54
630.140	Amended	SB 556	643.315	Vetoed	HB 598
630.165	Amended	SB 556	643.315	Amended	SB 54
630.167	Vetoed	HB 679	644.016	Vetoed	HB 257
630.167	Amended	SB 556	644.051	Vetoed	HB 257
630.170	Vetoed	HB 679	644.581	Vetoed	HB 257
630.170	Amended	SB 184	644.581	Vetoed	SB 199
630.210	Vetoed	HB 679	644.582	Vetoed	HB 257
630.900	New	HB 59	644.582	Vetoed	SB 199
630.900	New	SB 618	644.583	Vetoed	HB 257
633.032	New	HB 59	644.583	Vetoed	SB 199
633.032	New	SB 266	644.600	Vetoed	HB 257
640.700	Vetoed	HB 257	644.603	Vetoed	HB 257
640.703	Vetoed	HB 257	644.610	Vetoed	HB 257
640.710	Vetoed	HB 257	644.615	Vetoed	HB 257
640.715	Vetoed	HB 257	644.617	Vetoed	HB 257

SECTION	ACTION	BILL	SECTION	ACTION	BILL
644.625	Vetoed	HB 257	660.250	Amended	SB 556
644.630	Vetoed	HB 257	660.261	Amended	SB 556
644.635	Vetoed	HB 257	660.270	Amended	SB 556
644.640	Vetoed	HB 257	660.300	Amended	SB 556
644.645	Vetoed	HB 257	660.305	Amended	SB 556
644.647	Vetoed	HB 257	660.310	New	SB 556
644.650	Vetoed	HB 257	660.315	Amended	SB 556
644.655	Vetoed	HB 257	660.317	Vetoed	HB 679
644.657	Vetoed	HB 257	660.317	Amended	SB 556
650.105	Amended	SB 39	660.320	Amended	SB 556
650.350	New	SB 39	660.321	New	SB 556
660.078	Amended	SB 556	660.603	Amended	SB 556

## HB 1 [SCS HS HB 1]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS: BOARD OF FUND COMMISSIONERS.**

AN ACT to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28, of the Constitution of Missouri for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2003 and ending June 30, 2004, as follows:

**SECTION 1.010.**— To the Board of Fund Commissioners  
For paying agent and escrow agent fees and related expenses  
From General Revenue Fund . . . . . \$20,000E

**SECTION 1.015.**— To the Board of Fund Commissioners  
For payment of arbitrage rebate and related expenses  
From General Revenue Fund . . . . . \$1E

**SECTION 1.020.**— To the Board of Fund Commissioners  
For all expenditures associated with refunding of currently outstanding debt  
From General Revenue Fund . . . . . \$1E

**SECTION 1.025.**— There is transferred out of the State Treasury, chargeable  
to the General Revenue Fund, Seventeen Million, Four Hundred  
Fifty-three Thousand, Three Hundred Seventy Dollars to the  
Fourth State Building Bond and Interest Fund for currently  
outstanding general obligations  
From General Revenue Fund . . . . . \$17,453,370

**SECTION 1.030.**— To the Board of Fund Commissioners  
For payment of interest and sinking fund requirements on Fourth State  
Building Bonds currently outstanding as provided by law  
From Fourth State Building Bond and Interest Fund . . . . . \$17,578,995

**SECTION 1.035.**— There is transferred out of the State Treasury chargeable  
to the General Revenue Fund, Thirty-two Million, Sixty-six Thousand,  
Eight Hundred Twenty-three Dollars to the Water Pollution Control Bond  
and Interest Fund for currently outstanding general obligations

From General Revenue Fund . . . . . \$32,066,823

**SECTION 1.040.**— There is transferred out of the State Treasury, chargeable to the Water and Wastewater Loan Revolving Fund pursuant to Title 33, Chapter 26, Subchapter VI, Section 1383, U.S. Code, Nine Hundred Eighty-seven Thousand, Six Hundred Forty-seven Dollars to the Water Pollution Control Bond and Interest Fund for currently outstanding general obligation

From Water and Wastewater Loan Revolving Fund . . . . . \$987,647

**SECTION 1.045.**— To the Board of Fund Commissioners  
For payment of interest and sinking fund requirements on water  
pollution control bonds currently outstanding as provided by law

From Water Pollution Control Bond and Interest Fund . . . . . \$28,550,610

**SECTION 1.050.**— There is transferred out of the State Treasury, chargeable to the General Revenue Fund, Three Million, One Hundred Eighty-two Thousand, One Hundred Thirty-five Dollars to the Stormwater Control Bond and Interest Fund for currently outstanding general obligations

From General Revenue Fund . . . . . \$3,182,135

**SECTION 1.055.**— To the Board of Fund Commissioners  
For payment of interest and sinking fund requirements on stormwater  
control bonds to be outstanding as provided by law

From Stormwater Control Bond and Interest Fund . . . . . \$3,188,435

**SECTION 1.060.**— There is transferred out of the State Treasury, chargeable to the General Revenue Fund, Fifty Million, Eight Hundred Thirty Thousand, Seven Hundred Eighty Dollars to the Third State Building Bond Interest and Sinking Fund for currently outstanding general obligations

From General Revenue Fund . . . . . \$50,830,780

**SECTION 1.065.**— To the Board of Fund Commissioners  
For payment of interest and sinking fund requirements on third state building  
bonds currently outstanding as provided by law

From Third State Building Bond Interest and Sinking Fund . . . . . \$33,420,445

#### **BILL TOTALS**

General Revenue Fund . . . . .	\$103,553,110
Federal Funds . . . . .	0
Other Funds . . . . .	987,647
Total . . . . .	<u>\$104,540,757</u>

Approved May 30, 2003

## HB 2\* [CCS SCS HS HB 2]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS: STATE BOARD OF EDUCATION AND DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION.**

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2003 and ending June 30, 2004, as follows:

**SECTION 2.005.** — To the Department of Elementary and Secondary Education  
For the Division of General Administration

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation	
From General Revenue Fund	\$2,695,487
Personal Service	1,144,369
Expense and Equipment	1,367,486
From Federal Funds	2,511,855
Personal Service	247,524
Expense and Equipment	2,681,686
From Excellence in Education Fund	2,929,210
Expense and Equipment	
From Federal Funds	3,000,000
From Lottery Proceeds Fund	110,880
Total (Not to exceed 97.50 F.T.E.)	\$11,247,432

**SECTION 2.010.** — To the Department of Elementary and Secondary Education  
For construction and site acquisition costs to accommodate any reasonably anticipated net enrollment increase caused by any reduction or elimination of the voluntary transfer plan as approved by the United States Court of the Eastern District of Missouri pursuant to Senate Bill 781 (1998)

From General Revenue Fund	\$16,500,000
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**SECTION 2.015.** — To the Department of Elementary and Secondary Education  
For distributions to the free public schools under the School Foundation

Program as provided in Chapter 163, RSMo as follows: At least  
\$1,666,086,021 for the Equity Formula; and no more than:  
\$346,581,317 for the Line 14 At-Risk Program; \$143,051,705 for

Transportation; \$149,617,982 for Special Education; \$11,096,925 for Remedial Reading; \$81,274,784 for Early Childhood Special Education; \$21,952,002 for Gifted Education; \$37,297,656 for Career Ladder; \$52,080,428 for Vocational Education; \$27,895,976 for Early Childhood Development

From Outstanding Schools Trust Fund .....	\$393,181,996
From State School Moneys Fund .....	2,054,959,803
From Lottery Proceeds Fund .....	88,792,997

For State Board of Education operated school programs

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 886.83 F.T.E.) .....	43,947,562
Personal Service .....	1,577,832
Expense and Equipment .....	1,527,581
From Federal Funds .....	3,105,413

Expense and Equipment

From Bingo Proceed for Education Fund .....	1,707,167
Total (Not to exceed 910.72 F.T.E.) .....	\$2,585,694,938

**SECTION 2.020.**— To the Department of Elementary and Secondary Education

For early grade literacy programs offered at Southeast Missouri State

University

From General Revenue Fund .....	\$105,000
From Lottery Proceeds Fund .....	145,000
From Outstanding Schools Trust Fund .....	250,000
Total .....	\$500,000

**SECTION 2.025.**— To the Department of Elementary and Secondary Education

For the School Food Services Program to reimburse schools for breakfasts and lunches

From General Revenue Fund .....	\$3,460,219
From Federal Funds .....	148,175,188E
Total .....	\$151,635,407

**SECTION 2.035.**— To the Department of Elementary and Secondary Education

For distributions to the public elementary and secondary schools in this state, pursuant to Chapters 149 and 163, RSMo, pertaining to the Fair Share Fund

From Fair Share Fund .....	\$23,225,250E
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**SECTION 2.040.**— To the Department of Elementary and Secondary Education

For distributions to the public elementary and secondary schools in this state, pursuant to Chapters 144, 163, and 164, RSMo, pertaining to the School District Trust Fund

From School District Trust Fund .....	\$693,947,458E
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**SECTION 2.045.**— To the Department of Elementary and Secondary Education

For the apportionment to school districts, and state board operated school programs for expense and equipment, one-half the amount accruing to the General Revenue Fund from the County Foreign Insurance Tax

From General Revenue Fund . . . . . \$89,650,000E

**SECTION 2.050.**— To the Department of Elementary and Secondary Education  
For costs associated with school district bonds

From School District Bond Fund . . . . . \$450,000

**SECTION 2.055.**— To the Department of Elementary and Secondary Education  
For receiving and expending donations and federal funds provided that the

General Assembly shall be notified of the source of any new funds and  
the purpose for which they shall be expended, in writing, prior to the  
expenditure of said funds

From Federal and Other Funds . . . . . \$15,000,000

**SECTION 2.060.**— To the Department of Elementary and Secondary Education  
For the Division of School Improvement

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 31.19 F.T.E.) . . . . . 1,500,013

Personal Service . . . . . 2,619,666

Expense and Equipment . . . . . 4,656,520

From Federal Funds (Not to exceed 64.07 F.T.E.) . . . . . 7,276,186

Personal Service . . . . . 203,837

Expense and Equipment . . . . . 28,120

From Outstanding Schools Trust Fund (Not to exceed 6.3 F.T.E.) . . . . . 231,957

For the Division of Vocational and Adult Education

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 33.50 F.T.E.) . . . . . 1,435,615

Personal Service . . . . . 2,013,469

Expense and Equipment . . . . . 910,372

From Federal Funds (Not to exceed 58.00 F.T.E.) . . . . . 2,923,841

For the Division of Special Education

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 4.50 F.T.E.) . . . . . 228,596

Personal Service . . . . . 1,637,545

Expense and Equipment . . . . . 590,842

From Federal Funds (Not to exceed 42.50 F.T.E.) . . . . . 2,228,387

For the Division of Teacher Quality and Urban Education

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 27.00 F.T.E.) . . . . . 1,068,432

Personal Service . . . . . 35,007

Expense and Equipment . . . . . 382,366

From Federal Funds (Not to exceed 1 F.T.E.) . . . . . 417,373

    Personal Service . . . . . 76,921

    Expense and Equipment . . . . . 7,041

From Outstanding Schools Trust Fund (Not to exceed 2.00 F.T.E.) . . . . . 83,962

Total (Not to exceed 270.06 F.T.E.) . . . . . \$17,394,362

**SECTION 2.065.**— To the Department of Elementary and Secondary Education

For the Technology Grants Program and for planning and implementing  
computer network infrastructure for public elementary and secondary  
schools, including computer access to the Department of Elementary and  
Secondary Education and to improve the use of classroom technology

From Federal Funds . . . . . 12,162,366

**SECTION 2.070.**— To the Department of Elementary and Secondary Education  
For improving basic programs operated by local education agencies under Title I  
of the No Child Left Behind Act

From Federal Funds . . . . . \$190,000,000E

**SECTION 2.075.**— To the Department of Elementary and Secondary Education  
For the Reading First Grant Program under Title I of the No Child Left  
Behind Act

From Federal Funds . . . . . \$14,908,815E

**SECTION 2.080.**— To the Department of Elementary and Secondary Education  
For innovative educational program strategies under Title VI of the No Child  
Left Behind Act

From Federal Funds . . . . . \$11,000,000E

**SECTION 2.085.**— To the Department of Elementary and Secondary Education  
For programs for the gifted from interest earnings accruing in the Stephen  
Morgan Ferman Memorial for Education of the Gifted

From State School Moneys Fund . . . . . \$10,000E

**SECTION 2.090.**— To the Department of Elementary and Secondary Education  
For the Missouri Scholars and Fine Arts Academies

From General Revenue Fund . . . . . \$512,898

From Lottery Proceeds Fund . . . . . 158,156

Total . . . . . \$671,054

**SECTION 2.095.**— To the Department of Elementary and Secondary Education  
For reimbursements to school districts for the Early Childhood Program,  
Hard-to-Reach Incentives, and Parent Education in conjunction with  
the Early Childhood Educational and Screening Program

From General Revenue Fund . . . . . \$73,200

From Federal Funds . . . . . 824,000

From State School Moneys Fund . . . . . 125,000

For grants to higher education institutions or area vocational technical  
schools for the Child Development Associate Certificate Program  
in collaboration with the Coordinating Board for Higher Education

From Federal Funds . . . . . 400,000

For grants to school districts under the Early Childhood Development,  
Education and Care Program, including up to \$25,000 in expense  
and equipment, for program administration  
From Early Childhood Development, Education and Care Fund . . . . . 16,545,112  
Total . . . . . \$17,967,312

**SECTION 2.100.**— To the Department of Elementary and Secondary Education  
For the A+ Schools Program  
From General Revenue Fund . . . . . \$49,900  
From Lottery Proceeds Fund . . . . . 12,563,100  
Total . . . . . \$12,613,000

**SECTION 2.105.**— To the Department of Elementary and Secondary Education  
For the Performance Based Assessment Program  
From General Revenue Fund . . . . . \$403,245  
From Federal Funds . . . . . 7,184,722  
From Outstanding Schools Trust Fund . . . . . 128,125  
From Lottery Proceeds Fund . . . . . 4,568,630  
Total . . . . . \$12,284,722

**SECTION 2.110.**— To the Department of Elementary and Secondary Education  
For courses, exams, and other expenses that lead to high school students  
receiving college credit and Advanced Placement examination fees for  
low-income families  
From Federal Funds . . . . . \$407,250  
From Lottery Proceeds Fund . . . . . 711,786  
Total . . . . . \$1,119,036

**SECTION 2.115.**— To the Department of Elementary and Secondary Education  
For school renovation grants  
From Federal Funds . . . . . \$14,252,588E

**SECTION 2.120.**— To the Department of Elementary and Secondary Education  
For the Instructional Improvement Grants Program pursuant to Title II  
Improving Teacher Quality  
From Federal Funds . . . . . \$74,348,890E

**SECTION 2.125.**— To the Department of Elementary and Secondary Education  
For the Safe and Drug Free Schools Grants Program pursuant to Title IV of the  
No Child Left Behind Act  
From Federal Funds . . . . . \$9,600,000E

**SECTION 2.130.**— To the Department of Elementary and Secondary Education  
For a safe schools initiative to include, but not be limited to, safe school  
grants, alternative education program grants, equipment, anti-violence  
curriculum development, and conflict resolution  
From General Revenue Fund . . . . . \$200,000  
From Lottery Proceeds Fund . . . . . 4,922,368  
Total . . . . . \$5,122,368

**SECTION 2.135.**— To the Department of Elementary and Secondary Education  
For the Public Charter Schools Program

From Federal Funds ..... \$2,432,000

**SECTION 2.140.**— To the Department of Elementary and Secondary Education  
For the state's portion of the scholarship program for teacher education  
students in approved programs at four-year colleges or universities in  
Missouri pursuant to the Excellence in Education Act

From General Revenue Fund ..... \$249,000

For the state's portion for scholarships for minority students pursuant to  
Section 161.415, RSMo

From Lottery Proceeds Fund ..... 200,000  
Total ..... \$449,000

**SECTION 2.145.**— To the Department of Elementary and Secondary Education  
For grants to public schools for whole-school, research-based reform programs

From Federal Funds ..... \$8,000,000E

**SECTION 2.150.**— To the Department of Elementary and Secondary Education  
For grants to rural and low income schools

From Federal Funds ..... \$2,100,000

**SECTION 2.155.**— To the Department of Elementary and Secondary Education  
For language acquisition pursuant to Title III of the No Child Left Behind Act

From Federal Funds ..... \$2,600,000

**SECTION 2.160.**— To the Department of Elementary and Secondary Education  
For the Refugee Children School Impact Grants Program

From Federal Funds ..... \$800,000

**SECTION 2.165.**— To the Department of Elementary and Secondary Education  
For character education initiatives

From Federal Funds ..... \$600,000  
From Lottery Proceeds Fund ..... 250,000  
Total ..... \$850,000

**SECTION 2.170.**— To the Department of Elementary and Secondary Education  
For the Gold Star Schools Program

From Federal Funds ..... \$15,000

**SECTION 2.175.**— To the Department of Elementary and Secondary Education  
For the Schools with Distinction Program

From Federal Funds ..... \$13,000

**SECTION 2.180.**— To the Department of Elementary and Secondary Education  
For Transition to Teaching Program

From Federal Funds ..... \$1,000,000

For the Missouri State Action for Education Leadership Project

From Federal Funds ..... 300,000  
Total ..... \$1,300,000

**SECTION 2.185.**— To the Department of Elementary and Secondary Education

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## For the Division of Vocational Rehabilitation

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund (Not to exceed 7.50 F.T.E.) . . . . . \$318,321

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation  
 Personal Service . . . . . 26,357,200  
 Expense and Equipment . . . . . 4,628,028  
 From Federal Funds (Not to exceed 749.00 F.T.E.) . . . . . 30,985,228  
 Total (Not to exceed 757.00 F.T.E.) . . . . . \$31,303,549

**SECTION 2.190.**— To the Department of Elementary and Secondary Education

## For the Vocational Rehabilitation Program

From General Revenue Fund . . . . . \$10,571,518  
 From Federal Funds . . . . . 36,387,727  
 From Payments by the Department of Mental Health . . . . . 1,000,000  
 From Lottery Proceeds Fund . . . . . 1,400,000  
 Total . . . . . \$49,359,245

**SECTION 2.195.**— To the Department of Elementary and Secondary Education

## For the Disability Determination Program

From Federal Funds . . . . . \$18,000,000

**SECTION 2.200.**— To the Department of Elementary and Secondary Education

## For the Personal Care Assistance Program

From General Revenue Fund . . . . . \$28,201,759  
 From Federal Funds . . . . . 40,482,137E  
 Total . . . . . \$68,683,896

**SECTION 2.205.**— To the Department of Elementary and Secondary Education

## For Independent Living Centers

From General Revenue Fund . . . . . \$2,156,486  
 From Federal Funds . . . . . 1,592,546  
 From Independent Living Center Fund . . . . . 590,556  
 Total . . . . . \$4,339,588

**SECTION 2.210.**— To the Department of Elementary and Secondary Education

## For the Project SUCCESS Program

From Federal Funds . . . . . \$500,000

**SECTION 2.215.**— To the Department of Elementary and Secondary Education

## For distributions to providers of vocational education programs

From Federal Funds . . . . . \$32,064,693

**SECTION 2.220.**— To the Department of Elementary and Secondary Education

## For job training programs pursuant to the Workforce Investment Act

From Federal Funds . . . . . \$6,797,937E

**SECTION 2.225.**— To the Department of Elementary and Secondary Education

## For distributions to educational institutions for the Adult Basic Education

Program

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From General Revenue Fund .....	\$4,279,293
From Federal Funds .....	12,500,000
From Outstanding Schools Trust Fund .....	<u>525,313</u>
Total .....	\$17,304,606

**SECTION 2.230.**— To the Department of Elementary and Secondary Education  
For a grant award program for literacy and family literacy providers that offer  
services that are complementary to adult basic education

From General Revenue Fund .....	\$1,184,991
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**SECTION 2.235.**— To the Department of Elementary and Secondary Education  
For the School Age Child Care Program

From Federal Funds .....	\$12,138,563
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**SECTION 2.240.**— To the Department of Elementary and Secondary Education  
For the Troops to Teachers Program

From Federal Funds .....	\$153,610
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**SECTION 2.245.**— To the Department of Elementary and Secondary Education  
For the Special Education Program

From Federal Funds .....	\$182,315,211E
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**SECTION 2.250.**— To the Department of Elementary and Secondary Education  
For special education excess costs and severe disabilities services

From Federal Funds .....	\$4,257,267E
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**SECTION 2.255.**— To the Department of Elementary and Secondary Education  
For the First Steps Program

From General Revenue Fund .....	\$3,017,369
From Federal Funds .....	10,506,837
From Early Childhood Development, Education and Care Fund .....	<u>5,286,042</u>
Total .....	\$18,810,248

**SECTION 2.260.**— To the Department of Elementary and Secondary Education  
For payments to school districts for children in residential placements through  
the Department of Mental Health or the Department of Social Services  
pursuant to Section 167.126, RSMo

From General Revenue Fund .....	\$3,130,731
From Lottery Proceeds Fund .....	<u>6,968,606</u>
Total .....	\$10,099,537

**SECTION 2.265.**— To the Department of Elementary and Secondary Education  
For operational maintenance and repairs for State Board of Education operated  
schools

From Facilities Maintenance Reserve Fund .....	\$57,950
From Lottery Proceeds Fund .....	<u>342,754</u>
Total .....	\$400,704

**SECTION 2.270.**— To the Department of Elementary and Secondary Education  
For the Sheltered Workshops Program

From General Revenue Fund .....	\$18,599,100
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**SECTION 2.275.**— To the Department of Elementary and Secondary Education  
For payments to readers for blind or visually handicapped students in elementary  
and secondary schools

From General Revenue Fund . . . . .	\$14,000
From State School Moneys Fund . . . . .	<u>25,000</u>
Total . . . . .	\$39,000

**SECTION 2.280.**— To the Department of Elementary and Secondary Education  
For a task force on blind student academic and vocational performance

From General Revenue Fund . . . . .	\$95,000
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**SECTION 2.285.**— To the Department of Elementary and Secondary Education  
For the Missouri School for the Deaf

From School for the Deaf Trust Fund . . . . .	\$25,000E
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**SECTION 2.290.**— To the Department of Elementary and Secondary Education  
For the Missouri School for the Blind

From School for the Blind Trust Fund . . . . .	\$1,500,000E
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**SECTION 2.295.**— To the Department of Elementary and Secondary Education  
For the State Schools for Severely Handicapped Children

From Handicapped Children's Trust Fund . . . . .	\$30,000E
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**SECTION 2.300.**— To the Department of Elementary and Secondary Education  
For the Missouri Commission for the Deaf and Hard of Hearing

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation	
From General Revenue Fund . . . . .	\$273,549

Expense and Equipment	
From Federal Funds . . . . .	50,000
From Certification of Interpreters Fund . . . . .	125,000
From Missouri Commission for Deaf and Hard of Hearing Fund . . . . .	<u>50,000</u>
Total (Not to exceed 7.00 F.T.E.) . . . . .	\$498,549

**SECTION 2.305.**— To the Department of Elementary and Secondary Education  
Funds are to be transferred out of the State Treasury, chargeable to the General  
Revenue Fund, to the State School Moneys Fund

From General Revenue Fund . . . . .	\$1,763,724,316
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**SECTION 2.310.**— To the Department of Elementary and Secondary Education  
Funds are to be transferred out of the State Treasury, chargeable to the Gaming  
Proceeds for Education Fund, to the State School Moneys Fund

From Gaming Proceeds for Education Fund . . . . .	\$231,380,000E
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**SECTION 2.315.**— To the Department of Elementary and Secondary Education  
Funds are to be transferred out of the State Treasury, chargeable to the General  
Revenue Fund, to the Outstanding Schools Trust Fund

From General Revenue Fund . . . . .	\$394,400,000E
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**SECTION 2.320.**— To the Department of Elementary and Secondary Education  
Funds are to be transferred out of the State Treasury, chargeable to the Gaming

Proceeds for Education Fund, to the School District Bond Fund  
 From Gaming Proceeds for Education Fund ..... \$450,000

**BILL TOTALS**

General Revenue Fund ..... \$2,392,045,800  
 Federal Funds ..... 927,318,630  
 Other Funds ..... 1,158,941,912  
 Total ..... \$4,478,306,342

\*This bill reduces state aid to our public schools to unacceptable levels. Since a significant percentage of the foundation program supports teacher salaries, such a cut is likely to result in the layoff of 3,400 school employees, including 2,038 teachers across the state. The elimination of the Science, Social Studies, and Health Education assessments is a step backward in accountability of Missouri schools. Without these assessments, the department and local school districts will be unable to determine how well students are performing in these important subject areas. Our children are our future. Reduced funding for education jeopardizes our commitment to and the progress we have made toward providing quality education to our children. We must protect the state's investment in education.

BOB HOLDEN, Governor

DISAPPROVED May 30, 2003

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**HB 3\* [CCS SCS HS HB 3]**

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS: DEPARTMENT OF HIGHER EDUCATION.**

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the state treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2003 and ending June 30, 2004, as follows:

**SECTION 3.005.**— To the Department of Higher Education

For Higher Education Coordination

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund ..... \$789,095

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For regulation of proprietary schools as provided in Section 173.600, RSMo  
 Personal Service and/or Expense and Equipment, provided that not more  
 than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund . . . . . 155,622

For MOSTARS grant and scholarship program administration  
 Personal Service and/or Expense and Equipment, provided that not more  
 than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund . . . . . 275,951  
 Total (Not to exceed 21.90 F.T.E.) . . . . . \$1,220,668

**SECTION 3.010.**— To the Department of Higher Education  
 For indemnifying individuals as a result of improper actions on the part of  
 proprietary schools as provided in Section 173.612, RSMo  
 From Proprietary School Bond Fund . . . . . \$100,000

**SECTION 3.015.**— To the Department of Higher Education  
 For annual membership in the Midwestern Higher Education Commission  
 From General Revenue Fund . . . . . \$82,500

**SECTION 3.020.**— To the Department of Higher Education  
 For the Missouri Learners' Network  
 From Federal Funds . . . . . \$410,800

**SECTION 3.025.**— To the Department of Higher Education  
 For the State Anatomical Board  
 From General Revenue Fund . . . . . \$3,069

**SECTION 3.030.**— To the Department of Higher Education  
 For the Eisenhower Science and Mathematics Program and the Improving  
 Teacher Quality State Grants Program  
 Personal Service . . . . . \$56,825  
 Expense and Equipment . . . . . 20,400  
 Federal Education Programs . . . . . 1,698,000  
 From Federal Funds (Not to exceed 1.00 F.T.E.) . . . . . \$1,775,225

**SECTION 3.035.**— To the Department of Higher Education  
 For receiving and expending donations and federal funds provided that the  
 General Assembly shall be notified of the source of any new funds and  
 the purpose for which they shall be expended, in writing, prior to the  
 expenditure of said funds  
 From Federal and Other Funds . . . . . \$2,000,000

**SECTION 3.040.**— To the Department of Higher Education  
 Funds are to be transferred out of the state treasury, chargeable to the  
 General Revenue Fund, to the Academic Scholarship Fund  
 From General Revenue Fund . . . . . \$13,418,950

**SECTION 3.045.**— To the Department of Higher Education  
 For the Higher Education Academic Scholarship Program pursuant to  
 Chapter 173, RSMo  
 From Academic Scholarship Fund . . . . . \$13,418,950E

**SECTION 3.050.**— To the Department of Higher Education

Funds are to be transferred out of the state treasury, chargeable to the  
funds listed below, to the Student Grant Fund

From General Revenue Fund .....	\$15,578,436
From Federal Funds .....	1,000,000E
From Missouri Student Grant Program Gift Fund .....	<u>50,000E</u>
Total .....	\$16,628,436

**SECTION 3.055.**— To the Department of Higher Education

For the Charles E. Gallagher Grants (Student Grants) Program pursuant  
to Chapter 173, RSMo

From Student Grant Fund .....	\$16,628,436E
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**SECTION 3.060.**— To the Department of Higher Education

Funds are to be transferred out of the state treasury, chargeable to the  
funds listed below, to the Missouri College Guarantee Fund

From General Revenue Fund .....	\$425,000
From Lottery Proceeds Fund .....	<u>2,750,000</u>
Total .....	\$3,175,000

**SECTION 3.065.**— To the Department of Higher Education

For the Missouri College Guarantee Program pursuant to Chapter 173, RSMo

From Missouri College Guarantee Fund .....	\$8,385,000E
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**SECTION 3.070.**— To the Department of Higher Education

Funds are to be transferred out of the state treasury, chargeable to the  
General Revenue Fund, to the Advantage Missouri Trust Fund

From General Revenue Fund .....	\$629,000
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**SECTION 3.075.**— To the Department of Higher Education

For the Advantage Missouri Program pursuant to Chapter 173, RSMo

From Advantage Missouri Trust Fund .....	\$629,000
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**SECTION 3.080.**— To the Department of Higher Education

For the Public Service Officer or Employee Survivor Grant Program  
pursuant to Section 173.260, RSMo

From General Revenue Fund .....	\$38,250
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**SECTION 3.085.**— To the Department of Higher Education

For the Vietnam Veterans Survivors Scholarship Program pursuant to  
Section 173.235, RSMo

From General Revenue Fund .....	\$10,200
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**SECTION 3.090.**— To the Department of Higher Education

Funds are to be transferred out of the state treasury, chargeable to the General  
Revenue Fund, to the Marguerite Ross Barnett Scholarship Fund

From General Revenue Fund .....	\$425,000
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**SECTION 3.095.**— To the Department of Higher Education

For the Marguerite Ross Barnett Scholarship Program pursuant to  
Section 173.262, RSMo

From Marguerite Ross Barnett Scholarship Fund .....	\$425,000E
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**SECTION 3.100.**— To the Department of Higher Education

## For the GEAR UP Program

Personal Service	\$252,560
Expense and Equipment	554,480
Federal Education Programs	<u>697,572</u>
From Federal Funds	1,504,612

## For scholarships

From GEAR UP Scholarship Fund	<u>200,000E</u>
Total (Not to exceed 6.50 F.T.E.)	\$1,704,612

**SECTION 3.105.**— To the Department of Higher Education

## For the Missouri Guaranteed Student Loan Program

Personal Service	\$2,138,935
Expense and Equipment	8,167,406
Payment of fees for collection of defaulted loans	4,000,000E
Payment of penalties to the federal government associated with late deposit of default collections	<u>1,000,000</u>
From Guaranty Agency Operating Fund	15,306,341

Personal Service	87,920
Expense and Equipment	<u>2,612,500</u>
From U.S. Department of Education/Coordinating Board for Higher Education P.L. 105-33 interest account	<u>2,700,420</u>
Total (Not to exceed 59.33 F.T.E.)	\$18,006,761

**SECTION 3.110.**— To the Department of Higher Education

## For the E-Government Initiative

Personal Service	\$371,000
Expense and Equipment	<u>114,400</u>
From Guaranty Agency Operating Fund (Not to exceed 6.00 F.T.E.)	\$485,400

**SECTION 3.115.**— To the Department of Higher Education

Funds are to be transferred out of the state treasury, chargeable to the Federal Student Loan Reserve Fund, to the Guaranty Agency Operating Fund

From Federal Student Loan Reserve Fund	\$8,000,000E
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**SECTION 3.120.**— To the Department of Higher Education

For purchase of defaulted loans, payment of default aversion fees, reimbursement to the federal government, and investment of funds in the Federal Student Loan Reserve Fund

From Federal Student Loan Reserve Fund	\$85,000,000
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**SECTION 3.125.**— To the Department of Higher Education

For payment of refunds set off against debt as required by Section 143.786, RSMo

From Debt Offset Escrow Fund	\$750,000E
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**SECTION 3.130.**— To the Department of Higher Education

Funds are to be transferred out of the state treasury, chargeable to the Guaranty Agency Operating Fund, to the Federal Student Loan Reserve Fund

From Guaranty Agency Operating Fund ..... \$2,000,001E

**SECTION 3.135.**— To the Department of Higher Education

For distribution to community colleges as provided in Section 163.191, RSMo

From General Revenue Fund ..... \$83,936,033

From Lottery Proceeds Fund ..... 5,564,239

For program improvements in workforce preparation with the emphasis  
to provide education and training at community colleges for  
unemployed and under-employed citizens

From General Revenue Fund ..... 1,605,600

For selected out-of-district courses

From General Revenue Fund ..... 1,148,458

For workforce preparation projects

From General Revenue Fund ..... 14,580,036

From Lottery Proceeds Fund ..... 1,332,353

For Regional Technical Education Initiatives

From General Revenue Fund ..... 19,969,650

Total (0 F.T.E.) ..... \$128,136,369

**SECTION 3.140.**— To the Department of Higher Education

For community colleges

For the payment of refunds set off against debt as required by Section  
143.786, RSMo

From Debt Offset Escrow Fund ..... \$250,000E

**SECTION 3.145.**— To Linn State Technical College

All Expenditures

From General Revenue Fund ..... \$3,949,072

From Lottery Proceeds Fund ..... 420,528

For the payment of refunds set off against debt as required by Section  
143.786, RSMo

From Debt Offset Escrow Fund ..... 30,000E

Total ..... \$4,399,600

**SECTION 3.150.**— To Central Missouri State University

All Expenditures

From General Revenue Fund ..... \$46,819,587

From Lottery Proceeds Fund ..... 4,985,715

For the payment of refunds set off against debt as required by Section  
143.786, RSMo

From Debt Offset Escrow Fund ..... 75,000E

Total ..... \$51,880,302

**SECTION 3.155.**— To Southeast Missouri State University

All Expenditures

From General Revenue Fund ..... \$38,125,444

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From Lottery Proceeds Fund . . . . .	4,059,895
For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund . . . . .	<u>75,000E</u>
Total . . . . .	\$42,260,339

**SECTION 3.160.**— To Southwest Missouri State University

All Expenditures	
From General Revenue Fund . . . . .	\$69,429,381
From Lottery Proceeds Fund . . . . .	7,200,409
For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund . . . . .	<u>75,000E</u>
Total . . . . .	\$76,704,790

**SECTION 3.165.**— To Lincoln University

All Expenditures	
From General Revenue Fund . . . . .	\$14,572,030
From Lottery Proceeds Fund . . . . .	1,551,205
For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund . . . . .	<u>75,000E</u>
Total . . . . .	\$16,198,235

**SECTION 3.170.**— To Truman State University

All Expenditures	
From General Revenue Fund . . . . .	\$35,460,477
From Lottery Proceeds Fund . . . . .	3,776,109
For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund . . . . .	<u>75,000E</u>
Total . . . . .	\$39,311,586

**SECTION 3.175.**— To Northwest Missouri State University

All Expenditures	
From General Revenue Fund . . . . .	\$26,144,617
From Lottery Proceeds Fund . . . . .	2,599,805
For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund . . . . .	<u>75,000E</u>
Total . . . . .	\$28,819,422

**SECTION 3.180.**— To Missouri Southern State College

All Expenditures	
From General Revenue Fund . . . . .	\$18,355,572
From Lottery Proceeds Fund . . . . .	1,722,820
For the payment of refunds set off against debt as required by Section	

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143.786, RSMo  
 From Debt Offset Escrow Fund ..... 75,000E  
 Total ..... \$20,153,392

**SECTION 3.185.**— To Missouri Western State College

All Expenditures  
 From General Revenue Fund ..... \$18,025,456  
 From Lottery Proceeds Fund ..... 1,768,039

For the payment of refunds set off against debt as required by Section

143.786, RSMo  
 From Debt Offset Escrow Fund ..... 75,000E  
 Total ..... \$19,868,495

**SECTION 3.190.**— To Harris-Stowe State College

All Expenditures  
 From General Revenue Fund ..... \$8,533,412  
 From Lottery Proceeds Fund ..... 908,704

For the payment of refunds set off against debt as required by Section

143.786, RSMo  
 From Debt Offset Escrow Fund ..... 75,000E  
 Total ..... \$9,517,116

**SECTION 3.195.**— To the University of Missouri

For operation of its various campuses and programs

All Expenditures  
 From General Revenue Fund ..... \$346,233,005  
 From Lottery Proceeds Fund ..... 36,869,596

For the payment of refunds set off against debt as required by Section

143.786, RSMo  
 From Debt Offset Escrow Fund ..... 200,000E  
 Total ..... \$383,302,601

**SECTION 3.200.**— To the University of Missouri

For the Missouri Bibliographic and Information User System (MOBIUS)

All Expenditures  
 From General Revenue Fund ..... \$649,539

**SECTION 3.205.**— To the University of Missouri

For the Missouri Research and Education Network (MOREnet)

All Expenditures  
 From General Revenue Fund ..... \$15,004,401

**SECTION 3.210.**— To the University of Missouri

For the University of Missouri Hospital and Clinics

All Expenditures  
 From General Revenue Fund ..... \$8,911,671

**SECTION 3.215.**— To the University of Missouri

For the Ellis Fischel Cancer Center

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All Expenditures  
From General Revenue Fund . . . . . \$4,223,786

**SECTION 3.220.**— To the University of Missouri  
For the Missouri Rehabilitation Center

All Expenditures  
From General Revenue Fund . . . . . \$10,116,691

**SECTION 3.225.**— To the University of Missouri  
For Alzheimer's disease research

All Expenditures  
From General Revenue Fund . . . . . \$227,375

**SECTION 3.230.**— To the University of Missouri  
For a program of research into spinal cord injuries

All Expenditures  
From Spinal Cord Injury Fund . . . . . \$375,000

**SECTION 3.235.**— To the University of Missouri  
For the Missouri Institute of Mental Health

All Expenditures  
From General Revenue Fund . . . . . \$2,299,850

**SECTION 3.240.**— To the University of Missouri  
For the treatment of renal disease in a statewide program

All Expenditures  
From General Revenue Fund . . . . . \$4,016,774

**SECTION 3.245.**— To the University of Missouri  
For the State Historical Society

All Expenditures  
From General Revenue Fund . . . . . \$922,601

**SECTION 3.250.**— To the Board of Curators of the University of Missouri  
For investment in registered federal, state, county, municipal, or school district  
bonds as provided by law

From State Seminary Fund . . . . . \$1,500,000

**SECTION 3.255.**— To the Board of Curators of the University of Missouri  
For the use of the University of Missouri

From State Seminary Moneys Fund, Income from Investments . . . . . \$250,000

**BILL TOTALS**

General Revenue Fund . . . . . \$825,091,591  
Federal Funds . . . . . 6,690,637  
Other Funds . . . . . 181,476,578  
Total . . . . . \$1,013,258,806

\*This bill reduces state aid to Missouri's two- and four-year colleges and universities to unacceptable levels. Under this bill, tuition and fees would increase at an average rate of approximately 10%, forcing a "tax increase" on low- and middle-income families. The

reductions to various grant and scholarship programs will further reduce the availability of higher education opportunities. Families with lower and middle incomes may no longer be able to afford the cost of college. Due to the multiplier effect of these cuts to higher education institutions on their local and regional economies, the negative economic impact could result in additional reductions of \$50-\$150 million in these communities and regions.

BOB HOLDEN, Governor

DISAPPROVED May 30, 2003

#### HB 4 [CCS SCS HS HB 4]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

#### **APPROPRIATIONS: DEPARTMENT OF REVENUE AND DEPARTMENT OF TRANSPORTATION.**

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the state treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2003 and ending June 30, 2004, as follows:

#### **SECTION 4.005.**— To the Department of Revenue

Personal Service and/or Expense and Equipment	
From General Revenue Fund	\$35,055,418
From State Highways and Transportation Department Fund	41,534,559
From Department of Revenue Information Fund	798,217
From Federal Funds	8,048,685
From Petroleum Storage Tank Insurance Fund	23,969
From Petroleum Inspection Fund	31,252
From Health Initiatives Fund	46,696
From Motor Vehicle Commission Fund	730,427

From Division of Child Support Enforcement Collections Fund	2,398,281
From Conservation Commission Fund	513,471
From Division of Aging Elderly Home Delivered Meals Trust Fund	21,604
Total (Not to exceed 1,913.95 F.T.E.)	\$89,202,579

#### **SECTION 4.010.**— To the Department of Revenue

For the Division of Administration

For postage

Expense and Equipment

From General Revenue Fund .....	\$2,585,597
From Health Initiatives Fund .....	4,733
From Conservation Commission Fund .....	1,183
From Department of Revenue Information Fund .....	172,699
From State Highways and Transportation Department Fund .....	4,951,457
Total (0 F.T.E.) .....	\$7,715,669

**SECTION 4.015.** — To the Department of Revenue

For the State Tax Commission

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 63.75 F.T.E.) ..... \$2,823,546

**SECTION 4.020.** — To the Department of Revenue

For refunds for overpayment or erroneous payment of any tax or any payment that is credited to the General Revenue Fund

From General Revenue Fund (0 F.T.E.) ..... \$1,201,800,000E

**SECTION 4.025.** — To the Department of Revenue

For refunds for overpayment or erroneous payment of any tax or any payment credited to Federal and Other Funds

From Federal and Other Funds (0 F.T.E.) ..... \$405,287E

**SECTION 4.030.** — To the Department of Revenue

For the state's share of the costs and expenses incurred pursuant to an approved assessment and equalization maintenance plan as provided by Chapter 137, RSMo

From General Revenue Fund (0 F.T.E.) ..... \$14,985,668

**SECTION 4.035.** — To the Department of Revenue

For state costs for county assessor and assessor-elect certification

From General Revenue Fund (0 F.T.E.) ..... \$85,680

**SECTION 4.040.** — To the Department of Revenue

For the purpose of refunding any tax or fee credited to the State Highways and Transportation Department Fund

From State Highways and Transportation Department Fund (0 F.T.E.) ..... \$1,147,711E

**SECTION 4.045.** — To the Department of Revenue

For payment of fees for entry of records into the federal Commercial Drivers'

Licensing Information System

Expense and Equipment

From State Highways and Transportation Department Fund (0 F.T.E.) ..... \$275,000

**SECTION 4.050.** — To the Department of Revenue

For the Problem Driver Pointer System

Expense and Equipment

From State Highways and Transportation Department Fund (0 F.T.E.) ..... \$60,000E

**SECTION 4.055.**— To the Department of Revenue

For payment of court costs and attorney fees pursuant to Section 302.536, RSMo  
 From State Highways and Transportation Department Fund (0 F.T.E.) . . . . . \$15,000

**SECTION 4.060.**— To the Department of Revenue

For distribution to cities and counties of all funds accruing to the Motor Fuel  
 Tax Fund under the provisions of Sections 30(a) and 30(b), Article IV,  
 Constitution of Missouri  
 From Motor Fuel Tax Fund (0 F.T.E.) . . . . . \$188,000,000E

**SECTION 4.065.**— To the Department of Revenue

For refunding any overpayment or erroneous payment of any amount credited  
 to the Aviation Trust Fund  
 From Aviation Trust Fund (0 F.T.E.) . . . . . \$157,927E

**SECTION 4.070.**— To the Department of Revenue

For refunds and distributions of motor fuel taxes  
 From State Highways and Transportation Department Fund (0 F.T.E.) . . . . . \$19,219,423E

**SECTION 4.075.**— To the Department of Revenue

For payment of fees to counties as a result of delinquent collections made  
 by circuit attorneys or prosecuting attorneys and payment of collection  
 agency fees  
 From General Revenue Fund (0 F.T.E.) . . . . . \$2,728,000E

**SECTION 4.080.**— To the Department of Revenue

For payment of fees to counties for the filing of lien notices and lien releases  
 From General Revenue Fund (0 F.T.E.) . . . . . \$200,000

**SECTION 4.085.**— To the Department of Revenue

For payment of contingency fees associated with revenue collection  
 enhancement measures  
 From General Revenue Fund . . . . . \$9,915,391  
 From Conservation Commission Fund . . . . . 34,609  
 From State Highways and Transportation Department Fund . . . . . 550,000  
 Total (0 F.T.E.) . . . . . \$10,500,000

**SECTION 4.090.**— To the Department of Revenue

For refunds for overpayment or erroneous payment of any tax or any payment  
 credited to the Workers' Compensation Fund  
 From Workers' Compensation Fund (0 F.T.E.) . . . . . \$1,669,902E

**SECTION 4.095.**— To the Department of Revenue

For refunds for overpayment or erroneous payment of any tax or any payment  
 credited to the Second Injury Fund  
 From Second Injury Fund (0 F.T.E.) . . . . . \$248,966E

**SECTION 4.100.**— To the Department of Revenue

For refunds for overpayment or erroneous payment of any tax or any payment  
 for tobacco taxes  
 From Health Initiatives Fund . . . . . \$86,276E  
 From State School Moneys Fund . . . . . 191,721E

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From Fair Share Fund .....	85,210E
Total (0 F.T.E.) .....	\$363,207

**SECTION 4.105.**— To the Department of Revenue  
 For refunds for overpayment or erroneous payment of any payment credited  
 to the Motor Vehicle Commission Fund  
 From Motor Vehicle Commission Fund (0 F.T.E.) ..... \$12,000E

**SECTION 4.110.**— To the Department of Revenue  
 For payment of dues and fees to the Multistate Tax Commission  
 From General Revenue Fund (0 F.T.E.) ..... \$163,001

**SECTION 4.115.**— There is transferred out of the state treasury, chargeable  
 to the General Revenue Fund, such amounts as may be necessary, to  
 make payments of refunds set off against debts as required by Section  
 143.786, RSMo, to the Debt Offset Escrow Fund  
 From General Revenue Fund (0 F.T.E.) ..... \$10,512,884E

**SECTION 4.120.**— For the payment of refunds set off against debts as required  
 by Section 143.786, RSMo  
 From Debt Offset Escrow Fund (0 F.T.E.) ..... \$250,000E

**SECTION 4.125.**— Funds are to be transferred out of the state treasury,  
 chargeable to the School District Trust Fund, to the General Revenue Fund  
 From School District Trust Fund (0 F.T.E.) ..... \$2,500,000

**SECTION 4.130.**— There is transferred out of the state treasury, chargeable  
 to the Parks Sales Tax Fund, sixty-six hundredths percent of the funds  
 received, to the General Revenue Fund  
 From Parks Sales Tax Fund (0 F.T.E.) ..... \$200,000E

**SECTION 4.135.**— There is transferred out of the state treasury, chargeable  
 to the Soil and Water Sales Tax Fund, sixty-six hundredths percent of the  
 funds received, to the General Revenue Fund  
 From Soil and Water Sales Tax Fund (0 F.T.E.) ..... \$200,000E

**SECTION 4.140.**— Funds are to be transferred out of the state treasury,  
 chargeable to the Solid Waste Management Fund, to the General  
 Revenue Fund  
 From Solid Waste Management Fund (0 F.T.E.) ..... \$108,000

**SECTION 4.145.**— There is transferred out of the state treasury, chargeable to  
 the General Revenue Fund, amounts from income tax refunds designated  
 by taxpayers for deposit in the Division of Aging and Elderly Home  
 Delivered Meals Trust Fund, Veterans' Trust Fund, Children's Trust  
 Fund and Missouri National Guard Trust Fund  
 From General Revenue Fund (0 F.T.E.) ..... \$333,224E

**SECTION 4.150.**— There is transferred out of the state treasury, chargeable  
 to the funds listed below, amounts from income tax refunds erroneously  
 deposited to said funds, to the General Revenue Fund  
 From Division of Aging and Elderly Home Delivered Meals Trust Fund ..... \$2,831E

From Veterans' Trust Fund . . . . .	1,985E
From Children's Trust Fund . . . . .	5,202E
From Missouri National Guard Trust Fund . . . . .	<u>651E</u>
Total (0 F.T.E.) . . . . .	\$10,669

**SECTION 4.155.**— Funds are to be transferred out of the state treasury,  
chargeable to the Department of Revenue Information Fund, to the  
State Highways and Transportation Department Fund  
From Department of Revenue Information Fund (0 F.T.E.) . . . . . \$1,454,843E

**SECTION 4.160.**— Funds are to be transferred out of the state treasury,  
chargeable to the State Highways and Transportation Department Fund,  
to the State Road Fund  
From State Highways and Transportation Department Fund (0 F.T.E.) . . . . \$201,215,655E

**SECTION 4.165.**— Funds are to be transferred out of the state treasury,  
chargeable to the Motor Fuel Tax Fund, to the State Highways and  
Transportation Department Fund  
From Motor Fuel Tax Fund (0 F.T.E.) . . . . . \$470,546,903E

**SECTION 4.170.**— To the Department of Revenue  
For the State Lottery Commission  
For any and all expenditures, including operating, maintenance and repair, and  
minor renovations, necessary for the purpose of operating a state lottery  
Personal Service . . . . . \$6,650,559  
Expense and Equipment . . . . . 35,409,678E  
From Lottery Enterprise Fund (Not to exceed 178.50 F.T.E.) . . . . . \$42,060,237

**SECTION 4.175.**— To the Department of Revenue  
For the State Lottery Commission  
For the payment of prizes  
From Lottery Enterprise Fund (0 F.T.E.) . . . . . \$80,000,000E

**SECTION 4.180.**— Funds are to be transferred out of the state treasury,  
chargeable to the Lottery Enterprise Fund, to the Lottery Proceeds Fund  
From Lottery Enterprise Fund (0 F.T.E.) . . . . . \$192,443,239E

**SECTION 4.200.**— To the Department of Transportation  
For the Highways and Transportation Commission and Highway Program  
Administration  
Personal Service . . . . . \$24,615,538  
Expense and Equipment . . . . . 8,355,646  
From State Highways and Transportation Department Fund . . . . . 32,971,184

For Administration fringe benefits  
Personal Service . . . . . 8,870,869E  
Expense and Equipment . . . . . 9,717,249E  
From State Highways and Transportation Department Fund . . . . . 18,588,118  
Total (Not to exceed 554.00 F.T.E.) . . . . . \$51,559,302

**SECTION 4.205.**— To the Department of Transportation  
For the Construction Program

To pay the costs of reimbursing counties and other political subdivisions for the acquisition of roads and bridges taken over by the state as permanent parts of the state highway system, and for the costs of locating, relocating, establishing, acquiring, constructing, reconstructing, widening, and improving those highways, bridges, tunnels, parkways, travel ways, tourways, and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of Missouri; of acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and contingencies relating to the location and construction of highways and bridges; and to receive funds from the United States government for like purposes

Personal Service	
From State Highways and Transportation Department Fund . . . . .	\$79,634,659E
Expense and Equipment . . . . .	29,916,336E
Construction . . . . .	<u>723,850,000E</u>
From State Road Fund . . . . .	753,766,336
Construction	
From State Road Fund . . . . .	256,000,000E
For all expenditures associated with refunding currently outstanding state road bond debt	
From State Road Fund . . . . .	58,537,648E
For Construction Program fringe benefits	
Personal Service . . . . .	29,718,380E
Expense and Equipment . . . . .	<u>3,114,546E</u>
From State Highways and Transportation Department Fund . . . . .	<u>32,832,926</u>
Total (Not to exceed 1,913.00 F.T.E.) . . . . .	\$1,180,771,569

**SECTION 4.210.** — To the Department of Transportation

For the Transportation Enhancements Program of the Transportation Equity Act for the 21st Century

From State Road Fund (0 F.T.E.) . . . . .	\$9,500,000E
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**SECTION 4.215.** — To the Department of Transportation

For the Maintenance Program

To pay the costs of preserving and maintaining the state system of roads and bridges and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of Missouri; of acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and contingencies related to the preservation, maintenance, and safety of highways and bridges

Personal Service . . . . .	\$1,364,333
Expense and Equipment . . . . .	<u>1,106,526</u>
From Federal Funds. . . . .	2,470,859
Personal Service . . . . .	122,573,038E
Expense and Equipment . . . . .	<u>1,324,502</u>
From State Highways and Transportation Department Fund . . . . .	123,897,540

Expense and Equipment  
From State Road Fund ..... 116,948,594E

Expense and Equipment  
From Motorcycle Safety Trust Fund ..... 50,000E

For Maintenance Program fringe benefits  
Personal Service ..... 370,638E  
Expense and Equipment ..... 36,736E  
From Federal Funds ..... 407,374

Personal Service ..... 49,485,628E  
Expense and Equipment ..... 5,923,125E  
From State Highways and Transportation Department Fund ..... 55,408,753

For all allotments, grants, and contributions from federal sources that may be  
deposited in the state treasury for grants of National Highway Safety Act  
moneys  
From Federal Funds ..... 18,054,000E

For the Motor Carrier Safety Assistance Program  
From Federal Funds ..... 1,350,000E  
Total (Not to exceed 3,664.75 F.T.E.) ..... \$318,587,120

**SECTION 4.217.**— To the Department of Transportation

For the Motorist Assistance Program  
Personal Service  
From State Highways and Transportation Department Fund ..... \$1,857,662

Expense and Equipment  
From State Road Fund ..... 317,129

For Motorist Assistance fringe benefits  
Personal Service  
From State Highways and Transportation Department Fund ..... 638,661  
Total (Not to exceed 52.00 F.T.E.) ..... \$2,813,452

**SECTION 4.220.**— To the Department of Transportation

For Service Operations  
To pay the costs of constructing, preserving, and maintaining the state  
system of roads and bridges and coordinated facilities authorized under  
Article IV, Section 30(b) of the Constitution of Missouri; of acquiring  
materials, equipment, and buildings necessary for such purposes and for  
other purposes and contingencies related to the construction, preservation,  
and maintenance of highways and bridges  
Personal Service ..... \$17,120,275  
Expense and Equipment ..... 352,115  
From State Highways and Transportation Department Fund ..... 17,472,390

Expense and Equipment  
From Federal Funds. .... 2,194

Expense and Equipment	
From State Road Fund	82,829,787E
For Service Operations fringe benefits	
Personal Service	6,375,433E
Expense and Equipment	727,229E
From State Highways and Transportation Department Fund	7,102,662
Total (Not to exceed 462.50 F.T.E.)	\$107,407,033

**SECTION 4.225.**— To the Department of Transportation

For the purpose of refunding any tax or fee credited to the State Highways  
and Transportation Department Fund

From State Highways and Transportation Department Fund	\$1,000,000E
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For refunds and distributions of motor fuel taxes

From State Highways and Transportation Department Fund	25,000,000E
Total (0 F.T.E.)	\$26,000,000

**SECTION 4.230.**— To the Department of Transportation

For Multimodal Operations Administration

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund	311,426
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Personal Service	473,550
Expense and Equipment	650,000
From Federal Funds	1,123,550

Personal Service	438,448
Expense and Equipment	177,933
From Railroad Expense Fund	616,381

Personal Service	
From State Highways and Transportation Department Fund	163,675

Personal Service	
From State Transportation Fund	46,987

Personal Service	330,022
Expense and Equipment	16,150
From Aviation Trust Fund	346,172

Expense and Equipment	
From State Road Fund	15,000

For Multimodal Operations fringe benefits	
Personal Service	
From General Revenue Fund	105,167E
From Federal Funds	165,933E
From State Highways and Transportation Department Fund	58,270E
From Railroad Expense Fund	65,458E
From State Transportation Fund	16,725E

From Aviation Trust Fund .....	118,239E
Total (Not to exceed 36.00 F.T.E.) .....	\$3,152,983

**SECTION 4.235.**— To the Department of Transportation

For Multimodal Operations

For reimbursements to the State Highways and Transportation Department  
 Fund for providing professional and technical services and administrative  
 support of multimodal programs

From General Revenue Fund .....	\$39,309
From Federal Funds .....	71,500
From Railroad Expense Fund .....	180,000
From State Transportation Fund .....	32,420
From Aviation Trust Fund .....	12,701
Total (0 F.T.E.) .....	\$335,930

**SECTION 4.240.**— To the Department of Transportation

For Multimodal Operations

For loans from the State Transportation Assistance Revolving Fund to  
 political subdivisions of the state or to public or private not-  
 for-profit organizations or entities in accordance with Section  
 226.191, RSMo

From State Transportation Assistance Revolving Fund (0 F.T.E.) .....	\$550,000E
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**SECTION 4.245.**— Funds are to be transferred out of the state

treasury, chargeable to the General Revenue Fund, to the State  
 Transportation Fund

From General Revenue Fund (0 F.T.E.) .....	\$3,765,589
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**SECTION 4.250.**— To the Department of Transportation

For the Transit Program

For distributing funds to urban, small urban, and rural transportation systems

From State Transportation Fund (0 F.T.E.) .....	\$3,765,589
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**SECTION 4.255.**— To the Department of Transportation

For the Transit Program

For locally matched capital improvement grants under Section 5310, Title 49,  
 United States Code to assist private, non-profit organizations in improving  
 public transportation for the state's elderly and people with disabilities

From Federal Funds (0 F.T.E.) .....	\$2,003,255E
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**SECTION 4.260.**— To the Department of Transportation

For the Transit Program

For an operating subsidy for not-for-profit transporters of the elderly, people  
 with disabilities, and low-income individuals

From General Revenue Fund (0 F.T.E.) .....	\$2,793,805
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**SECTION 4.265.**— To the Department of Transportation

For the Transit Program

For grants to urban areas under Section 5307, Title 49, United States Code

From Federal Funds (0 F.T.E.) .....	\$1E
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**SECTION 4.270.**— To the Department of Transportation

For the Transit Program

For locally matched grants to small urban and rural areas under Section

5311, Title 49, United States Code

From Federal and Local Funds (0 F.T.E.) . . . . . \$5,828,263E

**SECTION 4.275.**— To the Department of Transportation

For the Transit Program

For grants under Section 5309, Title 49, United States Code to assist private,  
non-profit organizations providing public transportation services

From Federal Funds (0 F.T.E.) . . . . . \$12,000,000E

**SECTION 4.280.**— To the Department of Transportation

For the Transit Program

For grants to metropolitan areas under Section 5303, Title 49, United  
States Code

From Federal Funds (0 F.T.E.) . . . . . \$1,120,311E

**SECTION 4.285.**— To the Department of Transportation

For the Rail Program

For grants under Section 5 of the Department of Transportation Act,  
as amended by the reauthorizing act, for acquisition, rehabilitation,  
improvement, or rail facility construction assistance

From Federal Funds (0 F.T.E.) . . . . . \$1E

**SECTION 4.290.**— To the Department of Transportation

For the Light Rail Safety Program

From Light Rail Safety Fund (0 F.T.E.) . . . . . \$1E

**SECTION 4.295.**— To the Department of Transportation

For the Rail Program

For passenger rail service in Missouri provided that prior to March 1, 2004, the  
Department of Transportation shall complete a formal process to evaluate  
privatizing state supported passenger rail service for state fiscal year 2005.

From General Revenue Fund . . . . . \$3,500,000

From State Transportation Fund . . . . . 1,500,000

Total (0 F.T.E.) . . . . . \$5,000,000

**SECTION 4.300.**— To the Department of Transportation

For station repairs and improvements at Missouri Amtrak stations

From State Transportation Fund (0 F.T.E.) . . . . . \$25,000

**SECTION 4.305.**— To the Department of Transportation

For protection of the public against hazards existing at railroad crossings  
pursuant Chapter 389, RSMo

From Highway Department Grade Crossing Safety Account (0 F.T.E.) . . . . . \$1,500,000E

**SECTION 4.310.**— Funds are to be transferred out of the state treasury,  
chargeable to the Grade Crossing Safety Account, to the Railroad  
Expense Fund

From Grade Crossing Safety Account (0 F.T.E.) . . . . . \$100,000

**SECTION 4.315.**— To the Department of Transportation

For the Aviation Program  
 For construction, capital improvements, and maintenance of publicly owned  
     airfields by cities or other political subdivisions, including land acquisition,  
     and for printing charts and directories  
 From Aviation Trust Fund (0 F.T.E.) . . . . . \$4,600,000E

**SECTION 4.320.**— To the Department of Transportation

For the Aviation Program  
 For construction, capital improvements, or planning of publicly owned airfields  
     by cities or other political subdivisions, including land acquisition, pursuant  
     to the provisions of the State Block Grant Pilot Program authorized by  
     Section 116 of the Federal Airport and Airway Safety and Capacity  
     Expansion Act of 1987  
 From Federal Funds (0 F.T.E.) . . . . . \$11,000,000E

**SECTION 4.325.**— To the Department of Transportation

For the Waterways program  
 For grants to port authorities for assistance in port planning, acquisition  
     or construction within the port districts  
 From General Revenue Fund . . . . . \$150,000

For ferry boat operation grants  
 From State Transportation Fund . . . . . 150,000  
 Total (0 F.T.E.) . . . . . \$300,000

**BILL TOTALS**

General Revenue Fund . . . . .	\$1,291,853,705
Federal Funds . . . . .	63,645,926
Other Funds . . . . .	<u>2,069,798,895</u>
Total . . . . .	\$3,425,298,526

Approved May 30, 2003

**HB 5 [CCS SCS HS HB 5]**

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS: OFFICE OF ADMINISTRATION, DEPARTMENT OF TRANSPORTATION, DEPARTMENT OF PUBLIC SAFETY, AND CHIEF EXECUTIVE'S OFFICE.**

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2003 and ending June 30, 2004, as follows:

**SECTION 5.005.** — To the Office of Administration

For the Commissioner's Office

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$2,569,120

Personal Service

From Federal Surplus Property Fund . . . . . \$39,228

Personal Service

From Revolving Administrative Trust Fund . . . . . 293,709

Total (Not to exceed 53.57 F.T.E.) . . . . . \$2,902,057

**SECTION 5.010.** — There is transferred out of the State Treasury, chargeable to the Healthy Families Trust Fund, Seventy Million, Seven Hundred Fifteen Thousand, Eight Hundred Forty-Eight Dollars (\$70,715,848) to the General Revenue Fund

From Healthy Families Trust Fund . . . . . \$70,715,848

**SECTION 5.015.** — There is transferred out of the State Treasury, chargeable to the Healthy Families Trust Fund, Fifty-three Million, Two Hundred Forty-one Thousand, Six Hundred Twenty-two Dollars to the Healthy Families Trust Fund-Health Care Account

From Healthy Families Trust Fund . . . . . \$53,241,622

**SECTION 5.020.** — There is transferred out of the State Treasury, chargeable to the Healthy Families Trust Fund, Four Hundred Seventy-two Thousand, Eight Hundred Twenty-nine Dollars to the Healthy Families Trust Fund-Tobacco Prevention Account

From Health Families Trust Fund . . . . . \$472,829

**SECTION 5.025.** — There is transferred out of the State Treasury, chargeable to the Healthy Families Trust Fund, Sixteen Million, Four Hundred Eighty-Four Thousand, Nine Hundred Forty-Two Dollars (\$16,484,942) to the Healthy Families Trust Fund-Senior Prescription Account

From Health Families Trust Fund . . . . . \$16,484,942

**SECTION 5.030.** — To the Office of Administration

There is transferred out of the State Treasury, chargeable to various funds such amounts as are necessary for allocation of costs to other funds in support of the state's central services performed by the Office of Administration, the Elected Officials, and the General Assembly, to the General Revenue Fund

From Other Funds . . . . . \$12,019,135

**SECTION 5.035.** — There is transferred out of the State Treasury, chargeable to the Office of Administration Revolving Administrative Trust Fund,

One Dollar to the General Revenue Fund  
 From Office of Administration Revolving Administrative Trust Fund . . . . . \$1E

**SECTION 5.040.**— To the Office of Administration

For the Commissioner's Office

For paying the several counties of Missouri the amount that has been paid into the State Treasury by the United States Treasury as a refund from the leases of flood control lands, under the provisions of an Act of Congress approved June 28, 1938, to be distributed to certain counties in Missouri in accordance with the provisions of state law

From Federal Funds . . . . . \$865,000E

**SECTION 5.045.**— To the Office of Administration

For the Commissioner's Office

For paying the several counties of Missouri the amount that has been paid into the State Treasury by the United States Treasury as a refund from the National Forest Reserve, under the provisions of an Act of Congress approved June 28, 1938, to be distributed to certain counties in Missouri

From Federal Funds . . . . . \$2,415,000E

**SECTION 5.050.**— To the Office of Administration

There is transferred out of the State Treasury, chargeable to the General Revenue Fund, Five Hundred Fifty Thousand Dollars (\$550,000) to the Water Development Fund

From General Revenue Fund . . . . . \$550,000

**SECTION 5.055.**— To the Office of Administration

For the Commissioner's Office

For the payment of interest, operations, and maintenance in accordance with the Cannon Water Contract

From Water Development Fund . . . . . \$550,000

**SECTION 5.060.**— To the Office of Administration

For the Commissioner's Office

For payment to counties for salaries of juvenile court personnel as provided by Sections 211.393 and 211.394, RSMo

From General Revenue Fund . . . . . \$7,571,900

**SECTION 5.065.**— To the Office of Administration

For the Commissioner's Office

For payments to counties for county correctional prosecution reimbursements pursuant to Sections 50.850 and 50.853, RSMo

From General Revenue Fund . . . . . \$20,000E

**SECTION 5.070.**— To the Office of Administration

For the Commissioner's Office

For paying an amount in aid to the counties that is the net amount of costs in criminal cases, transportation of convicted criminals to the state penitentiaries, and costs for reimbursement of the expenses associated with extradition, less the amount of unpaid city or county liability to furnish public defender office space and utility services pursuant to Section 600.040, RSMo

From General Revenue Fund . . . . . \$30,908,000

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**SECTION 5.072.**— To the Office of Administration

For the Commissioner's Office

For distribution of state grants to regional planning commissions  
and local governments as provided by Chapter 251, RSMo

From General Revenue Fund . . . . . \$200,000

**SECTION 5.075.**— To the Office of Administration

For the Commissioner's Office

For federal grants to support the efforts of the Missouri Commission on  
Intergovernmental Cooperation provided that the General Assembly  
shall be notified, in writing, of the source of funds and the purpose for  
which they shall be expended prior to the use of said funds

From Federal Funds . . . . . \$250,000

**SECTION 5.077.**— To the Office of Administration

For the Commissioner's Office

For grants to public television stations as provided in Sections 37.200  
through 37.230, RSMo

From General Revenue Fund . . . . . \$95,000

**SECTION 5.080.**— There is transferred out of the State Treasury, chargeable  
to the General Revenue Fund, such amounts as may become necessary,  
to the State Elections Subsidy Fund

From General Revenue Fund . . . . . \$400,000E

**SECTION 5.085.**— To the Office of Administration

For the Commissioner's Office

For the state's share of special election costs as required by Sections  
115.063 and 115.077, RSMo

From State Elections Subsidy Fund . . . . . \$400,000E

**SECTION 5.090.**— To the Office of Administration

For the Division of Accounting

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 50.00 F.T.E.) . . . . . \$2,107,302

**SECTION 5.095.**— To the Office of AdministrationFor transferring funds for all state employees and participating political  
subdivisions to the OASDHI Contributions Fund

From General Revenue Fund . . . . . \$71,899,946E

From Federal Funds . . . . . 27,930,000E

From Other Sources . . . . . 23,351,000E

Total . . . . . \$123,180,946

**SECTION 5.100.**— For the Department of Public SafetyFor transferring funds for employees of the State Highway Patrol to the  
OASDHI Contributions Fund, said transfers to be administered by  
the Office of Administration

From State Highways and Transportation Department Fund . . . . . \$5,555,000E

**SECTION 5.105.**— For the Department of Transportation

For transferring funds from the state's contribution to the OASDHI  
 Contributions Fund, said transfers to be administered by the  
 Office of Administration  
 From State Highways and Transportation Department Fund . . . . . \$17,359,000E

**SECTION 5.110.**— To the Office of Administration

For the Division of Accounting  
 For the payment of OASDHI taxes for all state employees and for  
 participating political subdivisions within the state to the Treasurer of the  
 United States for compliance with current provisions of Title 2 of the  
 Federal Social Security Act, as amended, in accordance with the agreement  
 between the State Social Security Administrator and the Secretary of the  
 Department of Health and Human Services; and for administration of the  
 agreement under Section 218 of the Social Security Act which extends  
 Social Security benefits to state and local public employees  
 From OASDHI Contributions Fund . . . . . \$146,094,946E

**SECTION 5.115.**— To the Office of Administration

For transferring funds for the state's contribution to the Missouri State  
 Employees' Retirement System to the State Retirement Contributions  
 Fund  
 From General Revenue Fund . . . . . \$117,803,771E  
 From Federal Funds . . . . . 36,978,000E  
 From Other Sources . . . . . 30,913,000E  
 Total . . . . . \$185,694,771

**SECTION 5.120.**— For the Department of Transportation

For transferring funds from the state's contribution to the State  
 Retirement Contributions Fund, said transfers to be administered  
 by the Office of Administration  
 From State Highways and Transportation Department Fund . . . . . \$176,000E

**SECTION 5.125.**— To the Office of Administration

For the Division of Accounting  
 For payment of the state's contribution to the Missouri State Employees'  
 Retirement System  
 From State Retirement Contributions Fund . . . . . \$185,870,771E

**SECTION 5.130.**— To the Office of Administration

For the Division of Accounting  
 For payment of retirement benefits to the Public School Retirement  
 System pursuant to Section 104.342, RSMo  
 From General Revenue Fund . . . . . \$2,400,000E  
 From Federal Funds . . . . . 1,070,000E  
 From Other Funds . . . . . 110,060E  
 Total . . . . . \$3,580,060

**SECTION 5.135.**— To the Office of Administration

For the Division of Accounting  
 For the administration of the Deferred Compensation Program  
 Expense and Equipment  
 From General Revenue Fund . . . . . \$2,872

**SECTION 5.140.**— To the Office of Administration

For transferring funds for all state employees who are qualified participants  
in the state Deferred Compensation Plan in accordance with Section  
105.927, RSMo, and pursuant to Section 401(a) of the Internal  
Revenue Code to the Missouri State Employees' Deferred  
Compensation Incentive Plan Administration Fund

From General Revenue Fund . . . . .	\$6,453,442E
From Federal Funds . . . . .	2,143,000E
From Other Sources . . . . .	<u>1,814,000E</u>
Total . . . . .	\$10,410,442

**SECTION 5.145.**— For the Department of Public Safety

For transferring funds for the state's contribution to the Missouri State  
Employees' Deferred Compensation Incentive Plan Administration  
Fund for employees of the State Highway Patrol, said transfers to be  
administered by the Office of Administration

From State Highways and Transportation Department Fund . . . . .	\$557,000E
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**SECTION 5.150.**— For the Department of Transportation

For transferring funds for the state's contribution to the Missouri State  
Employees' Deferred Compensation Incentive Plan Administration  
Fund, said transfers to be administered by the Office of Administration

From State Highways and Transportation Department Fund . . . . .	\$1,400,000E
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**SECTION 5.155.**— To the Office of Administration

For the Division of Accounting

For the payment of funds credited by the state at a maximum rate of \$25  
per month per qualified participant in accordance with Section 105.927,  
RSMo to deferred compensation investment companies

From Missouri State Employees' Deferred Compensation Incentive Plan Administration Fund . . . . .	\$12,367,442E
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**SECTION 5.160.**— To the Office of Administration

For the Division of Accounting

For reimbursing the Division of Employment Security benefit account  
for claims paid to former state employees for unemployment  
insurance coverage and for related professional services

From General Revenue Fund . . . . .	\$2,263,000E
From Federal Funds . . . . .	489,700E
From Other Funds . . . . .	<u>810,001E</u>
Total . . . . .	\$3,562,701

**SECTION 5.165.**— To the Office of Administration

For the Division of Accounting

For reimbursing the Division of Employment Security benefit account for  
claims paid to former state employees of the Missouri Department of  
Transportation and the Department of Public Safety for unemployment  
insurance coverage and for related professional services

From State Highways and Transportation Department Fund . . . . .	\$340,000E
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**SECTION 5.170.**— To the Office of Administration

For transferring funds for the state's contribution to the Missouri

Consolidated Health Care Plan to the Missouri Consolidated Health Care Plan Benefit Fund	
From General Revenue Fund .....	\$192,805,491E
From Federal Funds .....	52,010,693E
From Other Sources .....	<u>32,074,352E</u>
Total .....	\$276,890,536

**SECTION 5.175.**— To the Office of Administration  
For the Department of Transportation  
For transferring funds for the state's contribution to the Missouri  
Consolidated Health Care Plan to the Missouri Consolidated  
Health Care Plan Benefit Fund  
From Highways and Transportation Department Fund ..... \$294,000E

**SECTION 5.180.**— To the Office of Administration  
For the Division of Accounting  
For payment of the state's contribution to the Missouri Consolidated  
Health Care Plan  
From Missouri Consolidated Health Care Plan Benefit Fund ..... \$277,184,536E

**SECTION 5.185.**— To the Office of Administration  
For the Division of Accounting  
For paying refunds for overpayment or erroneous payment of employee  
withholding taxes  
From General Revenue Fund ..... \$36,000E

**SECTION 5.190.**— To the Office of Administration  
For the Division of Accounting  
For providing voluntary life insurance  
From the Missouri State Employees' Voluntary Life Insurance Fund ..... \$862,000E

**SECTION 5.195.**— To the Office of Administration  
For the Division of Accounting  
For employee medical expense reimbursements reserve  
From General Revenue Fund ..... \$1E

**SECTION 5.200.**— To the Office of Administration  
For the Division of Accounting  
Personal Service for state payroll contingency  
From General Revenue Fund (0 F.T.E.) ..... \$1E

**SECTION 5.205.**— To the Office of Administration  
For the Division of Accounting  
For payment of rent by the state for state agencies occupying Board of Public  
Buildings revenue bond financed buildings. Funds are to be used for  
principal, interest, bond issuance costs, and reserve fund requirements  
of Board of Public Buildings bonds  
From General Revenue Fund ..... \$24,771,257

**SECTION 5.207.**— To the Office of Administration  
For the Division of Accounting  
For payment of principal and interest and all other amounts due on the

bonds issued by the Board of Public Buildings pursuant to Sections  
8.370 through 8.460, RSMo and Sections 8.625 through 8.649, RSMo  
From General Revenue Fund . . . . . \$1E

**SECTION 5.208.**— There is transferred out of the state treasury, chargeable  
to the Board of Public Buildings Bond Proceeds Fund to the General  
Revenue Fund for the costs of qualified expenditures on the bonds  
issued by the Board of Public Buildings pursuant to Sections 8.370  
through 8.460, RSMo and Sections 8.625 through 8.649, RSMo  
From Board of Public Buildings Bond Proceeds Fund . . . . . \$185,000,000E

**SECTION 5.210.**— To the Office of Administration  
For the Division of Accounting  
For payment of annual fees and related expenses of the Board of Public Buildings  
From General Revenue Fund . . . . . \$1,000E

**SECTION 5.215.**— To the Office of Administration  
For the Division of Accounting  
For all expenditures associated with refunding currently outstanding Board of  
Public Buildings debt  
From General Revenue Fund . . . . . \$1E

**SECTION 5.220.**— To the Office of Administration  
For the Division of Accounting  
For all expenditures associated with Board of Public Buildings arbitrage rebate  
From General Revenue Fund . . . . . \$1E

**SECTION 5.225.**— To the Office of Administration  
For the Division of Accounting  
For payment of the state's lease/purchase debt requirements  
From General Revenue Fund . . . . . \$13,112,509

**SECTION 5.230.**— To the Office of Administration  
For the Division of Accounting  
For payment of annual fees and related expenses of the state's lease/purchase debt  
From General Revenue Fund . . . . . \$7,650E

**SECTION 5.235.**— To the Office of Administration  
For the Division of Accounting  
For all expenditures associated with refunding currently outstanding lease/purchase  
debt  
From General Revenue Fund . . . . . \$1E

**SECTION 5.240.**— To the Office of Administration  
For the Division of Accounting  
For all expenditures associated with lease/purchase arbitrage rebate  
From General Revenue Fund . . . . . \$1E

**SECTION 5.245.**— To the Office of Administration  
For MOHEFA debt service and all related expenses associated with the Series  
2001 MU-Columbia Arena project bonds  
From General Revenue Fund . . . . . \$1E

**SECTION 5.246.**— To the Office of Administration  
 For debt service and all related bond expenses for the Agricultural Building at  
 Southwest Missouri State University, provided however that no bonds  
 shall be issued or debt service paid without the prior approval of the  
 Commissioner of the Office of Administration, the Chair of the Senate  
 Appropriations Committee and the Chair of the House Budget Committee  
 From General Revenue Fund . . . . . \$1

**SECTION 5.250.**— To the Office of Administration  
 For the Division of Accounting  
 For the payment of principal, interest, and annual fee requirements of the  
 Missouri Health and Educational Facilities Authority for Missouri  
 College Savings Bonds  
 From General Revenue Fund . . . . . \$10,000E

**SECTION 5.255.**— To the Office of Administration  
 For the Division of Accounting  
 For debt service contingency for the New Jobs Training Certificates Program  
 From General Revenue Fund . . . . . \$1E

**SECTION 5.300.**— To the Office of Administration  
 For the Division of Accounting  
 For the Bartle Hall Convention Center expansion, operations, development, or  
 maintenance in Kansas City pursuant to Sections 67.638 through 67.641,  
 RSMo  
 From General Revenue Fund . . . . . \$2,000,000

**SECTION 5.305.**— To the Office of Administration  
 For the Division of Accounting  
 For the maintenance of the Jackson County Sports Complex pursuant to  
 Sections 67.638 through 67.641, RSMo  
 From General Revenue Fund . . . . . \$3,000,000

**SECTION 5.310.**— To the Office of Administration  
 For the Division of Accounting  
 For the expansion of the dual-purpose Edward Jones Dome project in St. Louis  
 From General Revenue Fund . . . . . \$12,000,000

**SECTION 5.315.**— To the Office of Administration  
 For the Division of Accounting  
 For interest payments on federal grant monies in accordance with the Cash  
 Management Improvement Act of 1990 and 1992  
 From General Revenue Fund . . . . . \$881,304E

**SECTION 5.320.**— To the Office of Administration  
 For the Division of Accounting  
 For the purpose of payment of contracts for maximization of reimbursements  
 to the state  
 From General Revenue Fund . . . . . \$1E

**SECTION 5.325.**— To the Office of Administration  
 For the Division of Accounting

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For audit recovery distribution  
From General Revenue Fund . . . . . \$450,000E

**SECTION 5.330.**— There is transferred out of the State Treasury, chargeable to the General Revenue Fund, Three Million, Five Hundred Nineteen Thousand, Four Hundred Fifty-Eight Dollars for the statewide operational maintenance and repair appropriations, to the Facilities Maintenance and Reserve Fund  
From General Revenue Fund . . . . . \$3,519,458

**SECTION 5.335.**— There is transferred out of the State Treasury, chargeable to the Budget Reserve Fund, such amounts as may be necessary for cash-flow assistance to various funds  
From Budget Reserve Fund to General Revenue Fund . . . . . \$1E  
From Budget Reserve Fund to Other Funds . . . . . 4,700,000E  
Total . . . . . \$4,700,001

**SECTION 5.340.**— There is transferred out of the State Treasury, such amounts as may be necessary for repayment of cash-flow assistance to the Budget Reserve Fund  
From General Revenue Fund . . . . . \$1E  
From Other Funds . . . . . 4,700,000E  
Total . . . . . \$4,700,001

**SECTION 5.345.**— There is transferred out of the State Treasury, such amounts as may be necessary for interest payments on cash-flow assistance to the Budget Reserve Fund  
From General Revenue Fund . . . . . \$4,000,000E  
From Other Funds . . . . . 1E  
Total . . . . . \$4,000,001

**SECTION 5.350.**— There is transferred out of the State Treasury, such amounts as may be necessary for constitutional requirements of the Budget Reserve Fund  
From General Revenue Fund . . . . . \$1E  
From Budget Reserve Fund . . . . . 1E  
Total . . . . . \$2

**SECTION 5.355.**— There is transferred out of the State Treasury, such amounts as may be necessary for corrections to fund balances  
From General Revenue Fund . . . . . \$1E  
From Other Funds . . . . . 1E  
Total . . . . . \$2

**SECTION 5.360.**— There is transferred out of the State Treasury, such amounts as may be necessary for the movement of cash between funds  
From any fund except General Revenue Fund . . . . . \$1E

**SECTION 5.365.**— To the Office of Administration  
For the Division of Budget and Planning  
Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 28.00 F.T.E.) . . . . . \$1,528,774

**SECTION 5.370.**— To the Office of Administration

For the Division of Budget and Planning

For research and development activities

From General Revenue Fund . . . . . \$15,495

From Federal Funds . . . . . 50,000

Total (0 F.T.E.) . . . . . \$65,495

**SECTION 5.375.**— To the Office of Administration

For the Division of Information Services

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$6,718,505

Personal Service . . . . . 5,759,048

Expense and Equipment . . . . . 27,868,636

From Office of Administration Revolving Administrative Trust Fund . . . . . 33,627,684

Total (Not to exceed 185.40 F.T.E.) . . . . . \$40,346,189

**SECTION 5.380.**— To the Office of Administration

For the Division of Information Services

For the centralized telephone billing system

Expense and Equipment

From Office of Administration Revolving Administrative Trust Fund . . . . . \$36,000,000E

**SECTION 5.385.**— There is transferred out of the State Treasury, chargeable

to the Office of Administration Revolving Administrative Trust Fund

for funds generated by telephone contracts with the Department of

Corrections, Two Million, One Hundred Seventeen Thousand, Four

Hundred Seventy-nine Dollars to the General Revenue Fund

From Office of Administration Revolving Administrative Trust Fund . . . . . \$2,117,479E

**SECTION 5.390.**— To the Office of Administration

For the Division of Design and Construction

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$1,675,345

Personal Service . . . . . 2,290,025

Expense and Equipment . . . . . 412,239

From Office of Administration Revolving Administrative Trust Fund . . . . . 2,702,264

Total (Not to exceed 87.00 F.T.E.) . . . . . \$4,377,609

**SECTION 5.395.**— To the Office of Administration

For the Division of Design and Construction

For the purpose of funding facility assessment

Personal Service . . . . . \$460,450

Expense and Equipment . . . . . 268,040

From Office of Administration Revolving Administrative Trust Fund

(Not to exceed 10.00 F.T.E.) . . . . . \$728,490

**SECTION 5.400.**— To the Office of Administration

For the Division of Personnel

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$2,885,861

Personal Service . . . . . 59,952

Expense and Equipment . . . . . 320,000From Office of Administration Revolving Administrative Trust Fund . . . . . 379,952Total (Not to exceed 70.47 F.T.E.) . . . . . \$3,265,813**SECTION 5.405.**— To the Office of Administration

For the Division of Personnel

For employee suggestion awards

From Office of Administration Revolving Administrative Trust Fund . . . . . \$10,000

**SECTION 5.410.**— To the Office of Administration

For the Division of Purchasing and Materials Management

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 36.00 F.T.E.) . . . . . \$1,631,724

**SECTION 5.415.**— To the Office of Administration

For the Division of Purchasing and Materials Management

For refunding bid and performance bonds

From Office of Administration Revolving Administrative Trust Fund . . . . . \$2,112,000E

**SECTION 5.420.**— To the Office of Administration

For the Division of Purchasing and Materials Management

For operation of the State Agency for Surplus Property

Personal Service . . . . . \$684,374

Expense and Equipment . . . . . 752,884

Fixed Price Vehicle Program . . . . . 800,000EFrom Federal Surplus Property Fund (Not to exceed 22.50 F.T.E.) . . . . . \$2,237,258**SECTION 5.425.**— To the Office of Administration

For the Division of Purchasing and Materials Management

For Surplus Property recycling activities

From Federal Surplus Property Fund . . . . . \$13,000E

**SECTION 5.430.**— To the Office of Administration

For the Division of Purchasing and Materials Management

For the disbursement of surplus property sales receipts

From Proceeds of Surplus Property Sales Fund . . . . . \$1,090,000E

**SECTION 5.435.**— To the Office of Administration

For the Division of Facilities Management

Leasing Operations

Personal Service . . . . . \$1,031,123

Expense and Equipment . . . . . 164,082

From Office of Administration Revolving Administrative Trust Fund

(Not to exceed 25.89 F.T.E.) . . . . . \$1,195,205

**SECTION 5.440.**— To the Office of Administration

For the Division of Facilities Management

Leasing Operations

There is transferred out of the State Treasury, chargeable to the General Revenue Fund, One Million, Five Hundred Ninety-Five Thousand, Sixty-Two Dollars (\$1,595,062) to the Office of Administration Revolving Administrative Trust Fund

From General Revenue Fund . . . . . \$1,595,062

**SECTION 5.445.**— To the Office of Administration

For the Division of Facilities Management

Leasing Operations

There is transferred out of the State Treasury, chargeable to the various funds, amounts paid from the General Revenue Fund for services related to leasing operations to the General Revenue Fund

From Federal Funds . . . . . \$536,728E

From Other Funds . . . . . 241,895E

Total . . . . . \$778,623

**SECTION 5.450.**— To the Office of Administration

For the Division of Facilities Management

Building Operations

For authority to spend donated funds to support renovations and operations of the Governor's Mansion

From State Facility Maintenance and Operation Fund . . . . . \$30,000

**SECTION 5.455.**— To the Board of Public Buildings

For the Office of Administration

For the Division of Facilities Management

Building Operations

For any and all expenditures necessary for the purpose of funding the operations of the Fletcher Daniels State Office Building, Springfield State Office Complex, Wainwright State Office Building, Midtown State Office Building, Harry S Truman State Office Building, St. Joseph State Office Building, the Kirkpatrick Information Center, Mill Creek State Office Building, Prince Hall Family Support Center, and the office buildings, laboratories, and support facilities at the seat of government

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From State Facility Maintenance and Operation Fund (Not to exceed 209.89 F.T.E.) . . . . . \$16,590,990

**SECTION 5.460.**— To the Office of Administration

For the Division of Facilities Management

Building Operations

For operational maintenance and repairs for state-owned facilities

From Facilities Maintenance Reserve Fund . . . . . \$246,672

From State Facility Maintenance and Operation Fund . . . . . 486,271

Total . . . . . \$732,943

**SECTION 5.465.**— There is transferred out of the State Treasury, chargeable to the General Revenue Fund, for payment of rent by the state to the

Board of Public Buildings for state agencies occupying the Fletcher Daniels State Office Building, Springfield State Office Complex, Wainwright State Office Building, Midtown State Office Building, Harry S Truman State Office Building, St. Joseph State Office Building, the Kirkpatrick Information Center, Mill Creek State Office Building, Prince Hall Family Support Center, and the office buildings, laboratories, and support facilities at the seat of government for any and all expenditures for the purpose of funding the operation of the buildings and facilities, the following amount to the State Facility Maintenance and Operation Fund

From General Revenue Fund . . . . . \$19,785,374

**SECTION 5.470.**— To the Office of Administration

For the Division of Facilities Management

Building Operations

For the purpose of funding expenditures associated with the Second State

Capitol Commission

Expense and Equipment

From Second State Capitol Commission Fund . . . . . \$100,000E

**SECTION 5.475.**— There is transferred out of the State Treasury, chargeable to the funds shown below, for payment of rent by the state to the Board of Public Buildings for state agencies occupying the Fletcher Daniels State Office Building, Springfield State Office Complex, Wainwright State Office Building, Midtown State Office Building, Harry S Truman State Office Building, St. Joseph State Office Building, the Kirkpatrick Information Center, Mill Creek State Office Building, Prince Hall Family Support Center, and to the office buildings, laboratories, and support facilities at the seat of government for any and all expenditures for the purpose of funding the operation of the buildings and facilities, the following amount to the General Revenue Fund

From Federal Funds . . . . . \$694,558E  
 From Other Funds . . . . . 4,390,696E  
 Total . . . . . \$5,085,254

**SECTION 5.480.**— To the Board of Public Buildings

For the Office of Administration

For the Division of Facilities Management

Building Operations

For modifications and other support services at state-owned facilities

From State Facility Maintenance and Operation Fund . . . . . \$330,000E

**SECTION 5.485.**— To the Office of Administration

For the Division of General Services

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$1,196,782

Personal Service . . . . . 2,245,638  
 Expense and Equipment . . . . . 1,783,396  
 From Office of Administration Revolving Administrative Trust Fund . . . . . 4,029,034  
 Total (Not to exceed 103.95 F.T.E.) . . . . . \$5,225,816

**SECTION 5.490.**— To the Office of Administration

For the Division of General Services

For the provision of workers' compensation benefits to state employees  
 through either a self-insurance program administered by the Office of  
 Administration and/or by contractual agreement with a private carrier  
 and for administrative and legal expenses authorized, in part, by  
 Section 105.810, RSMo

From General Revenue Fund .....	\$16,800,000E
From Conservation Commission Fund .....	500,000E
Total .....	\$17,300,000

**SECTION 5.495.**— To the Office of Administration

There is hereby transferred out of the State Treasury, chargeable  
 to various funds, amounts paid from the General Revenue Fund for  
 workers' compensation benefits provided to employees paid from  
 these other funds to the General Revenue Fund

From Federal Funds .....	\$1,179,156E
From Other Sources .....	1,520,844E
Total .....	\$2,700,000

**SECTION 5.500.**— To the Office of Administration

For the Division of General Services

For workers' compensation tax payments pursuant to Section 287.690, RSMo

From General Revenue Fund .....	\$1,050,000E
From Conservation Commission Fund .....	40,000E
Total .....	\$1,090,000

**SECTION 5.505.**— There is transferred out of the State Treasury, chargeable  
 to the funds shown below, for the payment of claims, premiums, and  
 expenses as provided by Sections 105.711 through 105.726, RSMo, the  
 following amounts to the State Legal Expense Fund

From General Revenue Fund .....	\$4,000,000E
From Office of Administration Revolving Administrative Trust Fund .....	25,000E
From Conservation Commission Fund .....	130,000E
From State Highways and Transportation Department Fund .....	600,000E
From Other Sources .....	2,435E
Total .....	\$4,757,435

**SECTION 5.510.**— To the Office of Administration

For the Division of General Services

For the payment of claims and expenses as provided by Section 105.711  
 et seq., RSMo, and for purchasing insurance against any or all liability  
 of the State of Missouri or any agency, officer, or employee thereof

From State Legal Expense Fund .....	\$4,757,435E
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**SECTION 5.512.**— There is transferred out of the State Treasury, chargeable to  
 the General Revenue Fund, for the repair or replacement of state  
 owned or leased property or for the defeasance of outstanding debt as  
 provided by Sections 37.410 through 37.413, RSMo, the following  
 amount to the State Property Preservation Fund

From General Revenue Fund .....	\$1E
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**SECTION 5.513.**— To the Office of Administration

For the Division of General Services

For the repair or replacement of state owned or leased facilities that have suffered damage from natural or man-made events or for the defeasance of outstanding debt secured by the damaged facilities when a notice of coverage has been issued by the Commissioner of Administration, as provided by Sections 37.410 through 37.413, RSMo

From State Property Preservation Fund . . . . . \$1E

**SECTION 5.515.**— To the Office of Administration

For the Division of General Services

For reimbursable expenses and for the replacement or repair of damaged equipment when recovery is obtained from a third party  
Expense and Equipment

From Office of Administration Revolving Administrative Trust Fund . . . . . \$5,000,000E

**SECTION 5.520.**— To the Office of Administration

For the Division of General Services

For the Governor's Council on Physical Fitness and Health

For the expenditure of contributions, gifts, and grants to promote physical fitness and healthy lifestyles

From Governor's Council on Physical Fitness Institution Gift Trust Fund . . . . . \$350,000

**SECTION 5.525.**— To the Office of Administration

For the Division of General Services

For the Head Injury Program

For program disbursements . . . . . \$421,270

Personal Service . . . . . 78,730

From Head Injury Fund (Not to exceed 2.00 F.T.E.) . . . . . \$500,000

**SECTION 5.530.**— To the Office of Administration

For the Administrative Hearing Commission

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 16.00 F.T.E.) . . . . . \$835,212

**SECTION 5.535.**— To the Office of Administration

For the purpose of funding the Office of Child Welfare

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$272,334

Personal Service . . . . . 62,869

Expense and Equipment . . . . . 71,265

From Federal Funds . . . . . 134,134

Total (Not to exceed 4.00 F.T.E.) . . . . . \$406,468

**SECTION 5.540.**— To the Office of Administration

For the administrative, promotional, and programmatic costs of the

Children's Trust Fund Board as provided by Section 210.173, RSMo

Personal Service . . . . . \$185,421

Expense and Equipment . . . . . 146,239

For program disbursements .....	<u>3,360,000E</u>
From Children's Trust Fund (Not to exceed 5.00 F.T.E.) .....	\$3,691,660

**SECTION 5.545.**— To the Office of Administration

For the Children's Services Commission

Expense and Equipment

From Children's Services Commission Fund .....	\$10,000
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**SECTION 5.550.**— To the Office of Administration

For those services provided through the Office of Administration that are  
contracted with and reimbursed by the Board of Trustees of the Missouri  
Public Entity Risk Management Fund as provided by Chapter 537, RSMo

Personal Service .....	\$565,542
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Expense and Equipment .....	<u>64,847</u>
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From Office of Administration Revolving Administrative Trust Fund (Not to exceed 16.00 F.T.E.) .....	\$630,389
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**SECTION 5.555.**— To the Office of Administration

For the Missouri Ethics Commission

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 21.00 F.T.E.) .....	\$1,206,694
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**SECTION 5.560.**— To the Office of Administration

For the Office of Information Technology and an annual status report of  
information technology projects. The report is to be submitted to the  
Senate Appropriations Committee Chair and the House Budget Chair  
by December 31 of each year

Personal Service .....	\$368,685
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Expense and Equipment .....	<u>100,939</u>
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From Office of Administration Revolving Administrative Trust Fund .....	469,624
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For the Justice Integration Project

Personal Service .....	845,955
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Expense and Equipment .....	<u>440,250</u>
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From Federal Funds .....	1,286,205
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For the State Security Office

Personal Service .....	177,576
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Expense and Equipment .....	<u>37,125</u>
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From Federal Funds .....	214,701
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For Federal Programs Spending Authority, including the Business Continuity  
program, the Business Compliance one-stop program, the Commercial  
Vehicle one-stop program, the Geographic Information System, and  
E-Government

Personal Service .....	213,804
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Expense and Equipment .....	<u>14,523,620</u>
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From Federal Funds .....	14,737,424
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Personal Service .....	1E
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Expense and Equipment .....	<u>1E</u>
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From Other Funds .....	<u>2</u>
Total (Not to exceed 20.00 F.T.E.) .....	\$16,707,956

**BILL TOTALS**

General Revenue Fund .....	\$563,036,198
Federal Funds .....	140,573,857
Other Funds .....	<u>124,918,999</u>
Total .....	\$828,529,054

Approved May 30, 2003

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**HB 6 [CCS SCS HS HB 6]**

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS: DEPARTMENT OF AGRICULTURE, DEPARTMENT OF NATURAL RESOURCES, AND DEPARTMENT OF CONSERVATION.**

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2003 and ending June 30, 2004.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2003 and ending June 30, 2004, as follows:

**SECTION 6.005.** — To the Department of Agriculture

For the Office of the Director

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund .....	\$1,424,244
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For refunds of erroneous receipts due to errors in application for licenses,

registrations, permits, certificates, subscriptions, or other fees .....	<u>3,640E</u>
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From General Revenue Fund .....	1,427,884
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Personal Service .....	234,726
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Expense and Equipment .....	<u>1,223,219</u>
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From Federal Funds and Other Funds .....	<u>1,457,945</u>
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Total (Not to exceed 31.50 F.T.E.) . . . . . \$2,885,829

**SECTION 6.010.**— To the Department of Agriculture

There is hereby transferred out of the State Treasury, chargeable to General Revenue Fund, Three Million, Two Hundred Sixteen Thousand, Six Hundred Ninety-Seven Dollars (\$3,216,697) to the Missouri Qualified Fuel Ethanol Producer Incentive Fund

From General Revenue Fund . . . . . \$3,216,697

There is hereby transferred out of the State Treasury, chargeable to the Petroleum Violation Escrow Fund, Five Hundred Thousand Dollars (\$500,000) to the Missouri Qualified Fuel Ethanol Producer Incentive Fund

From Petroleum Violation Escrow Fund . . . . . 500,000

Total . . . . . \$3,716,697

**SECTION 6.015.**— To the Department of Agriculture

For Missouri Ethanol Producer Incentive Payments

From Missouri Qualified Fuel Ethanol Producer Incentive Fund (0 F.T.E.) . . . . \$3,716,697

**SECTION 6.020.**— To the Department of Agriculture

For the Office of the Director

For operational maintenance and repairs for state-owned facilities

From Facilities Maintenance Reserve Fund (0 F.T.E.) . . . . . \$94,689

**SECTION 6.025.**— To the Department of Agriculture

For Vehicle Replacement

From Federal Funds . . . . . \$42,330

From Animal Care Reserve Fund . . . . . 74,860

From Milk Inspection Fees Fund . . . . . 14,110

From Grain Inspection Fees Fund . . . . . 337,520

From Petroleum Inspection Fund . . . . . 54,700

Total (0 F.T.E.) . . . . . \$523,520

**SECTION 6.030.**— To the Department of Agriculture

For the Agriculture Business Development Division

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$997,994

For demonstration projects that utilize renewable inputs

From General Revenue Fund . . . . . 46,072

Personal Service . . . . . 46,887

Expense and Equipment . . . . . 200,000

From Federal Funds and Other Funds . . . . . 246,887

Total (Not to exceed 17.25 F.T.E.) . . . . . \$1,290,953

**SECTION 6.035.**— To the Department of Agriculture

For the Agriculture Business Development Division

For the Agriculture and Small Business Development Authority

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Personal Service .....	\$93,273
Expense and Equipment .....	<u>22,254</u>
From Single-Purpose Animal Facility Loan Program Fund	
(Not to exceed 3.00 F.T.E.) .....	\$115,527

**SECTION 6.040.**— To the Department of Agriculture  
 For the Agriculture Business Development Division  
 For the Agriculture Development Program

Personal Service .....	\$85,201
Expense and Equipment .....	<u>48,422</u>
For all monies in the Agriculture Development Fund for investments, reinvestments, and for emergency agricultural relief and rehabilitation as provided by law .....	<u>500,000</u>
From Agriculture Development Fund (Not to exceed 2.00 F.T.E.) .....	\$633,623

**SECTION 6.045.**— To the Department of Agriculture  
 For the Agriculture Business Development Division  
 For the "Agri Missouri" Marketing Program

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation	
From General Revenue Fund (Not to exceed 1.00 F.T.E.) .....	\$237,727

**SECTION 6.050.**— To the Department of Agriculture  
 For the Agriculture Business Development Division  
 For the Grape and Wine Market Development Program

Personal Service .....	\$103,852
Expense and Equipment .....	<u>1,282,150</u>
From Marketing Development Fund (Not to exceed 3.00 F.T.E.) .....	\$1,386,002

**SECTION 6.055.**— To the Department of Agriculture  
 For the Division of Market Information and Outreach  
 For the Market Information and Outreach Program

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation	
From General Revenue Fund .....	\$534,639

Personal Service .....	140,357
Expense and Equipment .....	<u>52,000</u>
For Agriculture Awareness Program .....	25,000
For the Governor's Conference on Agriculture expense .....	<u>125,000</u>
From Federal Funds and Other Funds .....	<u>342,357</u>
Total (Not to exceed 17.00 F.T.E.) .....	\$876,996

**SECTION 6.060.**— To the Department of Agriculture  
 For the Division of Animal Health

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation	
From General Revenue Fund .....	\$2,296,662

Personal Service .....	417,335
Expense and Equipment .....	<u>649,209</u>
From Federal Funds .....	1,066,544

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Personal Service . . . . .	135,214
Expense and Equipment . . . . .	<u>446,400</u>
From Animal Health Laboratory Fee Fund . . . . .	581,614

Personal Service . . . . .	293,759
Expense and Equipment . . . . .	<u>236,107</u>
From Animal Care Reserve Fund . . . . .	529,866

To support the Livestock Brands Program	
From Livestock Brands Fund . . . . .	41,010

For expenses incurred in regulating Missouri livestock markets	
From Livestock Sales and Markets Fees Fund . . . . .	32,565

For enforcement activities related to the Livestock Dealer Law	
From Livestock Dealer Law Enforcement and Administration Fund . . . . .	12,250

For processing livestock market bankruptcy claims	
From Agriculture Bond Trustee Fund . . . . .	135,000

For the expenditures of contributions, gifts, and grants in support of relief efforts to reduce the suffering of abandoned animals	
From State Institutions Gift Trust Fund . . . . .	<u>5,000</u>
Total (Not to exceed 84.00 F.T.E.) . . . . .	\$4,700,511

**SECTION 6.065.**— To the Department of Agriculture

For the Division of Animal Health

For brucellosis ear tags

From General Revenue Fund (0 F.T.E.) . . . . .	\$1,000
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**SECTION 6.070.**— To the Department of Agriculture

For the Division of Animal Health

For funding indemnity payments and indemnifying producers and owners of livestock and poultry for preventing the spread of disease during emergencies declared by the State Veterinarian, subject to the approval by the Department of Agriculture of a state match rate up to 50 percent

From General Revenue Fund (0 F.T.E.) . . . . .	\$1E
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**SECTION 6.075.**— To the Department of Agriculture

For the Division of Grain Inspection and Warehousing

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . .	\$769,407
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Personal Service . . . . .	39,048
Expense and Equipment . . . . .	<u>47,480</u>
From Federal Funds . . . . .	86,528

Personal Service . . . . .	68,145
Expense and Equipment . . . . .	<u>23,000</u>
From Commodity Council Merchandising Fund . . . . .	91,145

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Personal Service .....	1,839,431
Expense and Equipment .....	312,107
Payment of Federal User Fee .....	<u>100,000</u>
From Grain Inspection Fees Fund .....	<u>2,251,538</u>
Total (Not to exceed 79.25 F.T.E.) .....	\$3,198,618

**SECTION 6.080.**— To the Department of Agriculture  
 For the Division of Grain Inspection and Warehousing  
 For the Missouri Aquaculture Council  
 From Aquaculture Marketing Development Fund ..... \$25,000E

For refunds to individuals and reimbursements to commodity councils  
 From Commodity Council Merchandising Fund ..... 85,000E

For research, promotion, and market development of apples  
 From Apple Merchandising Fund ..... 12,000E

For the Missouri Wine Marketing and Research Council  
 From Missouri Wine Marketing and Research Development Fund ..... 15,000E  
 Total (0 F.T.E.) ..... \$137,000

**SECTION 6.085.**— To the Department of Agriculture  
 For the Division of Plant Industries  
 Personal Service and/or Expense and Equipment, provided that not more  
 than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund ..... \$1,736,856

Personal Service .....	353,703
Expense and Equipment .....	<u>525,748</u>
From Federal Funds .....	<u>879,451</u>
Total (Not to exceed 54.00 F.T.E.) .....	<u>\$2,616,307</u>

**SECTION 6.090.**— To the Department of Agriculture  
 For the Division of Plant Industries  
 For the purpose of funding gypsy moth control, including education, research,  
 and management activities, and for the receipt and disbursement of funds  
 donated for gypsy moth control, including education, research, and  
 management activities. Projects funded with donations, including those  
 contributions made by supporting agencies and groups outside the Missouri  
 Department of Agriculture, must receive prior approval from a steering  
 committee composed of one member each from the Missouri departments  
 of Agriculture, Conservation, Natural Resources, and Economic Development,  
 the United States Department of Agriculture, the Missouri wood products  
 industry, the University of Missouri, and other groups as deemed necessary  
 by the Gypsy Moth Advisory Council, to be co-chaired by the departments  
 of Agriculture and Conservation  
 Personal Service and/or Expense and Equipment, provided that not more  
 than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund ..... \$43,476  
 From Federal Funds and Other Funds ..... 100,000  
 Total (Not to exceed 2.00 F.T.E.) ..... \$143,476

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**SECTION 6.095.**— To the Department of Agriculture

For the Division of Plant Industries

For the purpose of funding boll weevil suppression and eradication

Personal Service . . . . .	\$66,226
Expense and Equipment . . . . .	<u>40,000</u>
From Boll Weevil Suppression and Eradication Fund (Not to exceed 2.00 F.T.E.)	\$106,226

**SECTION 6.100.**— To the Department of Agriculture

For the Division of Weights and Measures

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$1,260,604

Personal Service . . . . .	62,760
Expense and Equipment . . . . .	<u>1,967,977</u>
From Federal Funds and Other Funds . . . . .	2,030,737

Personal Service . . . . .	1,288,789
Expense and Equipment . . . . .	<u>1,141,798</u>
From Petroleum Inspection Fund . . . . .	<u>2,430,587</u>
Total (Not to exceed 81.00 F.T.E.) . . . . .	\$5,721,928

**SECTION 6.105.**— To the Department of Agriculture

For the Missouri State Fair

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$597,762

Personal Service . . . . .	1,019,942
Expense and Equipment . . . . .	<u>3,000,496</u>
From State Fair Fees Fund . . . . .	<u>4,020,438</u>
Total (Not to exceed 61.75 F.T.E.) . . . . .	\$4,618,200

**SECTION 6.110.**— To the Department of Agriculture

For cash to start the Missouri State Fair

Expense and Equipment

From State Fair Fees Fund . . . . .	\$75,000
From State Fair Trust Fund . . . . .	<u>10,000</u>
Total (0 F.T.E.) . . . . .	\$85,000

**SECTION 6.115.**— To the Department of Agriculture

For the Missouri State Fair

For equipment replacement

Expense and Equipment

From State Fair Fees Fund (0 F.T.E.) . . . . . \$172,062

**SECTION 6.120.**— To the Department of Agriculture

For the State Milk Board

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$154,030

Personal Service and/or Expense and Equipment  
 From Milk Inspection Fees Fund ..... 1,749,896

Expense and Equipment  
 From State Contracted Manufacturing Dairy Plant Inspection and Grading  
 Fee Fund ..... 8,000  
 Total (Not to exceed 19.00 F.T.E.) ..... \$1,911,926

**SECTION 6.200.**— To the Department of Natural Resources

For the Office of the Director

Personal Service and/or Expense and Equipment, provided that not more  
 than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund ..... \$192,707

Personal Service ..... 376,139  
 Expense and Equipment ..... 100,038  
 From Federal Funds and Other Funds ..... 476,177  
 Total (Not to exceed 9.00 F.T.E.) ..... \$668,884

**SECTION 6.205.**— To the Department of Natural Resources

For the Outreach and Assistance Center

Personal Service and/or Expense and Equipment, provided that not more  
 than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund ..... \$1,973,589

Personal Service ..... 2,750,264  
 Expense and Equipment ..... 2,193,255  
 From Federal Funds and Other Funds ..... 4,943,519  
 Total (Not to exceed 109.56 F.T.E.) ..... \$6,917,108

**SECTION 6.210.**— To the Department of Natural Resources

For the Outreach and Assistance Center

For the purpose of funding the promotion of energy, renewable energy,  
 and energy efficient state government

From Federal Funds ..... \$2,784,474E  
 From Utilicare Stabilization Fund ..... 100E  
 From Energy Set-Aside Program Fund ..... 5,500,000E  
 From Petroleum Violation Escrow Fund ..... 430,000  
 From Missouri Alternative Fuel Vehicle Loan Fund ..... 300,000  
 From Biodiesel Fuel Revolving Fund ..... 25,000E  
 Total (0 F.T.E.) ..... \$9,039,574

**SECTION 6.212.**— To the Department of Natural Resources

There is hereby transferred out of the State Treasury, chargeable to the

Missouri Alternative Fuel Vehicle Loan Fund, Three Hundred and Five  
 Thousand Dollars (\$305,000) to the Petroleum Violation Escrow Fund  
 From Missouri Alternative Fuel Vehicle Loan Fund ..... \$305,000

**SECTION 6.215.**— To the Department of Natural Resources

For the Outreach and Assistance Center

There is transferred out of the State Treasury, chargeable to the Petroleum  
 Violation Escrow Fund, Twenty Thousand Dollars to the Petroleum

Violation Escrow Interest Subaccount Fund  
 From Petroleum Violation Escrow Fund . . . . . \$20,000E

**SECTION 6.220.**— To the Department of Natural Resources  
 For the Outreach and Assistance Center  
 For historic preservation grants and contracts  
 From Federal Funds (0 F.T.E.) . . . . . \$500,000

**SECTION 6.225.**— To the Department of Natural Resources  
 For the Outreach and Assistance Center  
 For funding environmental education, demonstration projects, and  
 technical assistance grants  
 From Federal Funds (0 F.T.E.) . . . . . \$125,000E

**SECTION 6.230.**— To the Department of Natural Resources  
 For the Division of Administrative Support  
 Personal Service and/or Expense and Equipment, provided that not more  
 than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund . . . . . \$653,995

Personal Service . . . . . 600,932  
 Expense and Equipment . . . . . 1,084,979  
 From Federal Funds . . . . . 1,685,911

Personal Service . . . . . 1,928,541  
 Expense and Equipment . . . . . 3,239,801  
 From Other Funds . . . . . 5,168,342  
 Total (Not to exceed 87.56 F.T.E.) . . . . . \$7,508,248

**SECTION 6.235.**— To the Department of Natural Resources  
 For the purpose of funding agency-wide operations  
 For Association Dues  
 From General Revenue Fund . . . . . \$64,875

Personal Service . . . . . 67,219  
 Expense and Equipment . . . . . 13,778  
 From State Highways and Transportation Department Fund . . . . . 80,997

For State Auditor Billing  
 From Federal Funds and Other Funds . . . . . 35,000

For Contractual Audits  
 From Federal Funds and Other Funds . . . . . 350,000  
 Total (Not to exceed 2.00 F.T.E.) . . . . . \$530,872

**SECTION 6.240.**— To the Department of Natural Resources  
 For agency-wide operations  
 For all costs related to Homeland Security initiatives  
 From Federal Funds (Not to exceed 1.00 F.T.E.) . . . . . \$409,236E

**SECTION 6.245.**— To the Department of Natural Resources  
 For the Board of Trustees for the Petroleum Storage Tank Insurance Fund

For the general administration and operation of the fund	
Personal Service .....	\$168,924
Expense and Equipment .....	2,219,300
For the purpose of investigating and paying claims obligations of the	
Petroleum Storage Tank Insurance Fund .....	24,990,000E
For the purpose of funding the refunds of erroneously collected receipts .....	10,000E
From Petroleum Storage Tank Insurance Fund (Not to exceed 3.00 F.T.E.) ..	\$27,388,224

**SECTION 6.250.**— To the Department of Natural Resources  
 For the State Environmental Improvement and Energy Resources Authority  
 For all costs incurred in the operation of the authority, including special studies  
 From State Environmental Improvement and Energy Resources Authority Fund ..... \$1E

<b>SECTION 6.255.</b> — To the Department of Natural Resources	
For the Division of State Parks	
For field operations, administration, and support	
Personal Service .....	\$113,130
Expense and Equipment .....	51,148
From Federal Funds .....	164,278
 Personal Service .....	920,410
Expense and Equipment .....	3,449,687
From State Park Earnings Fund .....	4,370,097
 Personal Service .....	1,116,926
Expense and Equipment .....	146,229
From Department of Natural Resources Cost Allocation Fund .....	1,263,155
 Personal Service .....	260,381
Expense and Equipment .....	111,327
From State Facility Maintenance and Operation Fund .....	371,708
Personal Service and/or Expense and Equipment, provided that not more than five percent flexibility is allowed between Personal Service and Expense and Equipment .....	26,094,065
For payments to levee districts .....	1E
From Parks Sales Tax Fund .....	26,094,066
 Personal Service .....	10,893
Expense and Equipment .....	5,600
From Meramec-Onondaga State Parks Fund .....	16,493
 Personal Service .....	209,789
Expense and Equipment .....	106,579
From Babler State Park Fund .....	316,368
Total (Not to exceed 760.02 F.T.E.) .....	\$32,596,165

**SECTION 6.260.**— To the Department of Natural Resources  
 For the Division of State Parks  
 For the Bruce R. Watkins Cultural Heritage Center  
 From Parks Sales Tax Fund (0 F.T.E.) ..... \$100,000

**SECTION 6.265.**— To the Department of Natural Resources

For the Division of State Parks

For the payment to counties in lieu of 2003 and prior years real property taxes,  
as appropriate, on lands acquired by the department after July 1, 1985 for  
park purposes and not more than the amount of real property tax imposed  
by political subdivisions at the time acquired, in accordance with the  
provisions of Section 47(a) of the Constitution of Missouri

From Parks Sales Tax Fund (0 F.T.E.) ..... \$40,000E

**SECTION 6.270.**— To the Department of Natural Resources

For the Division of State Parks

For Parks and Historic Sites

For recoupments and donations that are consistent with current operations and  
conceptual development plans. The expenditure of any single directed donation  
of funds greater than \$500,000 requires the approval of the chairperson or  
designee of both Senate Appropriations and House Budget committees

From State Park Earnings Fund (0 F.T.E.) ..... \$100,000E

**SECTION 6.275.**— To the Department of Natural Resources

For the Division of State Parks

For the purchase of publications, souvenirs, and other items for resale at  
state parks and state historic sites

Expense and Equipment

From State Park Earnings Fund (0 F.T.E.) ..... \$500,000E

**SECTION 6.280.**— To the Department of Natural Resources

For the Division of State Parks

For all expenses incurred in the operation of state park concession projects  
or facilities when such operations are assumed by the Department of  
Natural Resources

From State Park Earnings Fund ..... \$200,000E

**SECTION 6.285.**— To the Department of Natural Resources

For the Division of State Parks

For the expenditure of grants to state parks

From Federal Funds and Other Funds (0 F.T.E.) ..... \$350,000

**SECTION 6.290.**— To the Department of Natural Resources

For the Division of State Parks

For Administration and Support

For grants-in-aid from the Land and Water Conservation Fund and other funds to  
state agencies and political subdivisions for outdoor recreation projects

From Federal Funds (0 F.T.E.) ..... \$2,324,034

**SECTION 6.300.**— To the Department of Natural Resources

For the Geological Survey and Resource Assessment Division

For operational maintenance and repairs for state-owned facilities

From Facilities Maintenance Reserve Fund (0 F.T.E.) ..... \$8,759

**SECTION 6.305.**— To the Department of Natural Resources

For the Geological Survey and Resource Assessment Division

Personal Service and/or Expense and Equipment, provided that not more

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than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund . . . . . \$2,374,709

Personal Service . . . . . 2,633,466  
 Expense and Equipment . . . . . 919,408  
 From Federal Funds and Other Funds . . . . . 3,552,874  
 Total (Not to exceed 126.52 F.T.E.) . . . . . \$5,927,583

**SECTION 6.310.**— To the Department of Natural Resources  
 For the Geological Survey and Resource Assessment Division  
 For expenditures in accordance with the provisions of Section 259.190, RSMo  
 From Oil and Gas Remedial Fund (0 F.T.E.) . . . . . \$23,000E

**SECTION 6.315.**— To the Department of Natural Resources  
 For the Geological Survey and Resource Assessment Division  
 For surveying corners and for records restorations  
 From Federal Funds and Other Funds (0 F.T.E.) . . . . . \$240,000

**SECTION 6.320.**— To the Department of Natural Resources  
 For the Water Protection and Soil Conservation Division and the Air and  
 Land Protection Division  
 Personal Service and/or Expense and Equipment, provided that not more  
 than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund . . . . . \$3,613,479

Personal Service . . . . . 30,003,539  
 Expense and Equipment . . . . . 14,498,197  
 From Federal Funds and Other Funds . . . . . 44,501,736  
 Total (Not to exceed 892.99 F.T.E.) . . . . . \$48,115,215

**SECTION 6.325.**— To the Department of Natural Resources  
 For the Water Protection and Soil Conservation Division and the Air and  
 Land Protection Division  
 For the purpose of funding a motor vehicle emissions program  
 Personal Service . . . . . \$713,417  
 Expense and Equipment . . . . . 725,030  
 From Missouri Air Emission Reduction Fund, Federal Funds, and Other  
 Funds, excluding General Revenue Fund (Not to exceed 22.00 F.T.E.) . . . \$1,438,447

**SECTION 6.330.**— To the Department of Natural Resources  
 For the Water Protection and Soil Conservation Division and the Air and  
 Land Protection Division  
 For grants and contracts to study or reduce water pollution, improve ground water  
 and/or surface water quality, for grants to colleges for wastewater operator  
 training, and for grants for lake restoration  
 From Federal Funds . . . . . \$9,444,925E  
 From Natural Resources Protection Fund-Water Pollution Permit Subaccount . . . . 50,000

For drinking water sampling, analysis, and public drinking water quality  
 and treatment studies  
 From Safe Drinking Water Fund . . . . . 296,444  
 Total (0 F.T.E.) . . . . . \$9,791,369

**SECTION 6.335.**— To the Department of Natural Resources  
 For the Water Protection and Soil Conservation Division  
 For the state's share of construction grants for wastewater treatment facilities  
 From Water Pollution Control Fund . . . . . \$3,000,000

For loans for wastewater treatment facilities pursuant to Sections  
 644.026-644.124, RSMo  
 From Water and Wastewater Loan Fund and/or Water and Wastewater  
 Loan Revolving Fund . . . . . 60,000,000

For rural sewer and water grants and loans  
 From Water Pollution Control Fund . . . . . 20,660,000

For stormwater control grants or loans  
 From Stormwater Control Fund . . . . . 20,000,000

For loans for drinking water systems pursuant to Sections 644.026-  
 644.124, RSMo  
 From Water and Wastewater Loan Fund and/or Water and Wastewater  
 Loan Revolving Fund . . . . . 14,000,000  
 Total (0 F.T.E.) . . . . . \$117,660,000

**SECTION 6.340.**— There is transferred out of the State Treasury, chargeable  
 to the Water Pollution Control Fund, Ten Million, Six Hundred Thousand  
 Dollars to the Water and Wastewater Loan Fund and/or the Water and  
 Wastewater Loan Revolving Fund  
 From Water Pollution Control Fund . . . . . \$10,600,000

**SECTION 6.345.**— To the Department of Natural Resources  
 For the Water Protection and Soil Conservation Division  
 For closure of concentrated animal feeding operations  
 From Concentrated Animal Feeding Operation Indemnity Fund (0 F.T.E.) . . . . . \$100,000

**SECTION 6.350.**— To the Department of Natural Resources  
 For the Water Protection and Soil Conservation Division  
 For demonstration projects and technical assistance related to soil and water  
 conservation  
 From Federal Funds (0 F.T.E.) . . . . . \$100,000

For grants to local soil and water conservation districts . . . . . 7,911,992  
 For soil and water conservation cost-share grants . . . . . 20,250,000  
 For a loan interest-share program . . . . . 300,000  
 For a special area land treatment program . . . . . 6,896,200  
 For grants to colleges and universities for research projects on soil  
 erosion and conservation . . . . . 160,000  
 From Soil and Water Sales Tax Fund . . . . . 35,518,192  
 Total (0 F.T.E.) . . . . . \$35,618,192

**SECTION 6.355.**— To the Department of Natural Resources  
 For the Water Protection and Soil Conservation Division and the Air and  
 Land Protection Division  
 For expenditures of payments received for damages to the state's natural

resources  
 From Natural Resources Protection Fund-Damages Subaccount or Natural  
 Resources Protection Fund-Water Pollution Permit Fee Subaccount  
 (0 F.T.E.) . . . . . \$269,711

**SECTION 6.360.**— To the Department of Natural Resources  
 For the Air and Land Protection Division  
 For grants to local air pollution control agencies and to organizations for  
 air pollution  
 From Federal Funds . . . . . \$1,409,300  
 From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount 2,027,000  
  
 For asbestos grants to local air pollution control agencies  
 From Natural Resources Protection Fund - Air Pollution Asbestos Fee  
 Subaccount . . . . . 75,000  
 Total (0 F.T.E.) . . . . . \$3,511,300

**SECTION 6.365.**— To the Department of Natural Resources  
 For the Air and Land Protection Division  
 For the cleanup of leaking underground storage tanks  
 From Federal Funds . . . . . \$800,000  
  
 For cleanup of controlled substances  
 From Federal Funds . . . . . 125,000E  
  
 For the cleanup of hazardous waste sites  
 From Federal Funds and Other Funds . . . . . 1,000,000E  
 From Hazardous Waste Remedial Fund . . . . . 21,274E  
 From Dry-cleaning Environmental Response Trust Fund . . . . . 200,000E  
 Total (0 F.T.E.) . . . . . \$2,146,274

**SECTION 6.370.**— To the Department of Natural Resources  
 For the Air and Land Protection Division  
 For implementation provisions of Solid Waste Management Law in accordance  
 with Sections 260.250, RSMo, through 260.345, RSMo, and Section  
 260.432, RSMo  
 From Solid Waste Management Fund . . . . . \$6,300,000  
 From Solid Waste Management Fund - Scrap Tire Subaccount . . . . . 1,637,000  
 Total (0 F.T.E.) . . . . . \$7,937,000

**SECTION 6.375.**— To the Department of Natural Resources  
 For the Air and Land Protection Division  
 For funding expenditures of forfeited financial assurance instruments to ensure proper  
 closure and post closure of solid waste landfills, with General Revenue Fund  
 expenditures not to exceed collections pursuant to Section 260.228, RSMo  
 From General Revenue Fund . . . . . \$17,634E  
 From Post Closure Fund . . . . . 141,599E  
 Total (0 F.T.E.) . . . . . \$159,233

**SECTION 6.380.**— To the Department of Natural Resources  
 For the Air and Land Protection Division  
 For the receipt and expenditure of bond forfeiture funds for the reclamation

of mined land	
From Mined Land Reclamation Fund .....	\$1,400,000
For the reclamation of mined lands under the provisions of Section 444.960, RSMo	
From Coal Mine Land Reclamation Fund .....	1,000,000
For the reclamation of abandoned mined lands	
From Federal Funds .....	2,500,000
For contracts for hydrologic studies to assist small coal operators to meet permit requirements	
From Federal Funds .....	50,000
Total (0 F.T.E.) .....	<u>\$4,950,000</u>

**SECTION 6.385.**— To the Department of Natural Resources

For the Air and Land Protection Division

For contracts for the analysis of hazardous waste samples

From Federal Funds ..... \$100,000

From Hazardous Waste Remedial Fund and/or Hazardous Waste Fund ..... 60,210

For the environmental emergency response system

From Hazardous Waste Fund ..... 30,000E

From Federal Funds ..... 250,000

For emergency response loans in accordance with Section 260.546, RSMo

From Hazardous Waste Fund ..... 150,000

Total (0 F.T.E.) ..... \$590,210**SECTION 6.390.**— To the Department of Natural Resources

For the Air and Land Protection Division

For funding the operation of a vehicle emission inspection maintenance facility  
in South County St. Louis

From Federal Funds, Natural Resources Protection Fund-Air Pollution Permit

Fee Subaccount, and Other Funds (0 F.T.E.) ..... \$630,000

**SECTION 6.395.**— To the Department of Natural Resources

For revolving services

Expense and Equipment

From Natural Resources Revolving Services Fund (0 F.T.E.) ..... \$2,644,470

**SECTION 6.400.**— To the Department of Natural Resources

For the purpose of funding the refund of erroneous collected receipts

From any funds administered by the Department of Natural Resources,

except General Revenue Fund (0 F.T.E.) ..... \$250,000E

**SECTION 6.405.**— To the Department of Natural Resources

For sales tax on retail sales

From any funds administered by the Department of Natural Resources,

except General Revenue Fund (0 F.T.E.) ..... \$235,000E

**SECTION 6.410.**— To the Department of Natural ResourcesFor minority and under-represented student scholarships

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From General Revenue Fund . . . . .	\$45,783
From Recruitment and Retention Scholarship Fund . . . . .	50,000
Total (0 F.T.E.) . . . . .	<u>\$95,783</u>

**SECTION 6.415.** — There is transferred out of the State Treasury to the

Department of Natural Resources Cost Allocation Fund

From Missouri Air Emission Reduction Fund . . . . .	\$265,607
From Solid Waste Management Fund . . . . .	255,705
From Metallic Minerals Waste Management Fund . . . . .	17,538
From Hazardous Waste Remedial Fund . . . . .	283,130
From State Park Earnings Fund . . . . .	749,281
From Historic Preservation Revolving Fund . . . . .	18,470
From Natural Resources Protection Fund . . . . .	16,325
From Natural Resources Protection Fund-Water Pollution Permit Fee Subaccount . . . . .	1,026,371
From Solid Waste Management Fund - Scrap Tire Subaccount . . . . .	77,679
From Natural Resources Protection Fund-Air Pollution Asbestos Fee Subaccount . . . . .	55,495
From Petroleum Storage Tank Insurance Fund . . . . .	324,782
From Underground Storage Tank Regulation Program Fund . . . . .	44,979
From Natural Resources Protection Fund-Air Pollution Permit Fee Subaccount . . . . .	1,107,326
From Parks Sales Tax Fund . . . . .	4,152,539
From Soil and Water Sales Tax Fund . . . . .	566,590
From Groundwater Protection Fund . . . . .	73,004
From Energy Set-Aside Program Fund . . . . .	115,476
From State Land Survey Program Fund . . . . .	308,987
From Hazardous Waste Fund . . . . .	454,300
From Safe Drinking Water Fund . . . . .	466,357
From Missouri Air Pollution Control Fund . . . . .	6,151
From Petroleum Violation Escrow Interest Subaccount Fund . . . . .	45,405
From Dry-cleaning Environmental Response Trust Fund . . . . .	21,846
Total (0 F.T.E.) . . . . .	<u>\$10,453,343</u>

**SECTION 6.600.** — To the Department of Conservation

For Personal Service and Expense and Equipment, including refunds; and for  
 payments to counties for the unimproved value of land in lieu of property  
 taxes for privately owned lands acquired by the Conservation Commission  
 after July 1, 1977 and for lands classified as forest croplands

From Conservation Commission Fund . . . . .	\$126,951,038
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**BILL TOTALS**

General Revenue Fund . . . . .	\$22,257,582
Federal Funds . . . . .	52,804,199
Other Funds . . . . .	<u>418,903,419</u>
Total . . . . .	<u>\$493,965,200</u>

Approved May 30, 2003

HB 7 [CCS SCS HS HB 7]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS: DEPARTMENT OF ECONOMIC DEVELOPMENT, DEPARTMENT OF INSURANCE, AND DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS.**

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2003 and ending June 30, 2004, as follows:

**SECTION 7.005.**— To the Department of Economic Development

For general administration of Administrative Services

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$1,342,316

Personal Service . . . . . 3,827,837

Expense and Equipment . . . . . 2,005,194

From Federal Funds . . . . . 5,833,031

Personal Service . . . . . 1,269,781

Expense and Equipment . . . . . 1,971,610

For refunds . . . . . 5,000E

From Department of Economic Development Administrative Fund . . . . . 3,246,391

Total (Not to exceed 164.66 F.T.E.) . . . . . \$10,421,738

**SECTION 7.010.**— To the Department of Economic Development

For the Missouri WORKS Program

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 8.00 F.T.E.) . . . . . \$472,836

**SECTION 7.015.**— To the Department of Economic Development

There is transferred, for mailroom and support services, administrative services, rent for state office buildings by the Department of Economic Development, and information systems, the following amounts to the Department of Economic Development Administrative Fund

From Federal Funds . . . . . \$247,990E

From Division of Tourism Supplemental Revenue Fund . . . . . 159,347E

From Division of Finance Fund . . . . . 80,504E

From Division of Credit Unions Fund . . . . . 32,588E

From Manufactured Housing Fund . . . . . 11,065E

From Public Service Commission Fund . . . . . 208,224E

From Professional Registration Fees Fund . . . . . 593,586E

Total . . . . . \$1,333,304

**SECTION 7.020.**— To the Department of Economic Development

For general administration of Business Division activities and programs

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$3,574,457

Personal Service . . . . . 65,943

Expense and Equipment . . . . . 6,974

From Federal Funds . . . . . 72,917

Personal Service

From Federal and Other Funds . . . . . 146,741

Personal Service . . . . . 87,538

Expense and Equipment . . . . . 25,600

From Department of Economic Development Administrative Fund . . . . . 113,138

Expense and Equipment

From International Promotions Revolving Fund . . . . . 75,000E

Personal Service

From Missouri Technology Investment Fund . . . . . 50,678

Personal Service . . . . . 327,294

Expense and Equipment . . . . . 88,389

From Missouri Job Development Fund . . . . . 415,683

For the Business Extension Service Team Program

From Business Extension Service Team Fund . . . . . 1,854,000

For the National Institute of Standards/Missouri Manufacturing Extension

Partnership

All Expenditures

From Federal Funds . . . . . 2,200,000E

From Private Contributions . . . . . 2,600,000E

From Missouri Technology Investment Fund . . . . . 1,791,358

For Innovation Centers

From Missouri Technology Investment Fund . . . . . 864,118

For Technology-Based Investment, Research Alliance of Missouri, Missouri

Technology Corporation, and Innovation Centers

From Missouri Technology Investment Fund . . . . . 700,000

Total ( Not to exceed 55.70 F.T.E.) . . . . . \$14,458,090

**SECTION 7.025.**— To the Department of Economic Development

There is transferred out of the State Treasury, chargeable to the General Revenue Fund, Three Million, Four Hundred Five Thousand, Five Hundred Twenty-six Dollars (\$3,405,526) to the Missouri Technology Investment Fund, for the National Institute of Standards/Missouri Manufacturing Extension Partnership, Missouri Technology Corporations, Innovation Centers, and Research Alliance of Missouri

From General Revenue Fund . . . . . \$3,405,526

There is transferred out of the State Treasury, chargeable to the  
General Revenue Fund, Three Hundred Thousand Dollars (\$300,000)  
to the Business Extension Service Team Fund

From General Revenue . . . . . 300,000  
Total . . . . . \$3,705,526

**SECTION 7.030.**— To the Department of Economic Development  
For funding new and expanding industry training programs and basic industry  
retraining programs

From Missouri Job Development Fund . . . . . \$8,783,104

**SECTION 7.035.**— To the Department of Economic Development  
There is transferred out of the State Treasury, chargeable to the General  
Revenue Fund, Eight Million, Eight Hundred Forty-nine Thousand,  
Four Hundred Twenty-two Dollars (\$8,849,422) to the Missouri Job  
Development Fund

From General Revenue Fund . . . . . \$8,849,422

**SECTION 7.040.**— To the Department of Economic Development  
For the Missouri Community College New Jobs Training Program  
For funding training of workers by community college districts

From Missouri Community College Job Training Program Fund . . . . . \$16,000,000

**SECTION 7.045.**— To the Department of Economic Development  
For general administration of Community Development activities  
Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$978,295

Personal Service . . . . . 553,133  
Expense and Equipment . . . . . 411,983

From Federal Funds . . . . . 965,116

For Community Development programs

From Federal Funds . . . . . 28,000,000E

For the Missouri Community Services Commission

Personal Service

From General Revenue Fund . . . . . 35,979

Personal Service . . . . . 165,741  
Expense and Equipment . . . . . 3,168,748E

From Federal and Other Funds . . . . . 3,334,489

For the Brownfields Redevelopment Program

From Property Reuse Fund . . . . . 1,500,000

For general administration of Community Development Corporations, job training,  
or retraining activities

Personal Service and/or Expense and Equipment, provided that not more

than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund . . . . . 50,489

For Community Development Corporations, job training, or retraining activities  
 From General Revenue Fund . . . . . 753,024  
 From Federal and Other Funds . . . . . 250,000  
 From Department of Economic Development Administrative Fund . . . . . 250,000

For the Youth Opportunities and Violence Prevention Program  
 From Youth Opportunities and Violence Prevention Fund . . . . . 250,000  
 Total (Not to exceed 41.25 F.T.E.) . . . . . \$36,367,392

**SECTION 7.050.**— To the Department of Economic Development

There is transferred out of the State Treasury, chargeable to the General  
 Revenue Fund, Three Million, Two Hundred Four Thousand, Six Hundred  
 Forty-two Dollars (\$3,204,642) to the Missouri Supplemental Tax  
 Increment Financing Fund  
 From General Revenue Fund . . . . . \$3,204,642

**SECTION 7.055.**— To the Department of Economic Development

For Missouri supplemental tax increment financing as provided in Section  
 99.845, RSMo. This appropriation may be used for the following projects:  
 Kansas City Midtown, Excelsior Springs Elms Hotel, Independence Santa Fe  
 Trail Neighborhood, St. Louis City Convention Hotel, Cupples Station,  
 Springfield Jordan Valley Park, Kansas City Bannister Mall/Three Trails,  
 St. Louis Lambert Airport Eastern Perimeter, Old Post Office in Kansas City,  
 1200 Main Garage Project in Kansas City, Riverside Levee, and Eastern  
 Jackson County Bass Pro. In accordance with Section 99.845, RSMo,  
 the appropriation shall not be made unless the applications for the projects  
 have been approved by the director of the Department of Economic  
 Development and the commissioner of the Office of Administration  
 From Missouri Supplemental Tax Increment Financing Fund ( 0 F.T.E.) . . . . . \$3,204,642

**SECTION 7.070.**— To the Department of Economic Development

For the Missouri State Council on the Arts  
 Personal Service . . . . . \$256,715  
 Expense and Equipment . . . . . 699,021  
 From Federal Funds . . . . . 955,736

Personal Service . . . . . 407,433  
 Expense and Equipment . . . . . 4,276,838  
 From Missouri Arts Council Trust Fund . . . . . 4,684,271  
 Total (Not to exceed 17.00 F.T.E.) . . . . . \$5,640,007

**SECTION 7.100.**— To the Department of Economic Development

For general administration of Workforce Development activities  
 For the Division of Workforce Development  
 Personal Service . . . . . \$19,928,286  
 Expense and Equipment . . . . . 4,563,358E  
 From Federal Funds . . . . . 24,491,644

Personal Service . . . . . 178,812

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Expense and Equipment .....	18,955
From Other Funds .....	197,767
Total (Not to exceed 604.72 F.T.E.) .....	<u>\$24,689,411</u>

**SECTION 7.105.** — To the Department of Economic Development

For job training and related activities

From General Revenue Fund .....	\$2,000,000
From Federal and Other Funds .....	90,807,398

For administration of programs authorized and funded by the United States

Department of Labor, such as Trade Adjustment Assistance (TAA), and  
provided that all funds shall be expended from discrete accounts and that  
no monies shall be expended for funding administration of these programs  
by the Division of Workforce Development

From Federal Funds .....	7,000,000E
Total ( 0 F.T.E.) .....	<u>\$99,807,398</u>

**SECTION 7.110.** — To the Department of Economic Development

For the Missouri Women's Council

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 1.00 F.T.E.) .....	\$59,213
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**SECTION 7.115.** — To the Department of Economic Development

For the purchase, lease, and renovation of buildings, land, and erection of buildings

From Special Employment Security Fund (0 F.T.E.) .....	\$216,000
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**SECTION 7.120.** — To the Department of Economic Development

For the Division of Tourism to include coordination of advertising of at least  
\$70,000 for the Missouri State Fair

Personal Service .....	\$1,541,126
Expense and Equipment .....	13,918,905
From Division of Tourism Supplemental Revenue Fund .....	<u>15,460,031</u>

Expense and Equipment

From Tourism Marketing Fund .....	15,000
Total (Not to exceed 47.00 F.T.E.) .....	<u>\$15,475,031</u>

**SECTION 7.125.** — To the Department of Economic Development

There is transferred out of the State Treasury, chargeable to the General  
Revenue Fund, Fifteen Million, Sixty-Seven Thousand, Seven Hundred  
Forty-Three Dollars (\$15,067,743) to the Division of Tourism Supplemental  
Revenue Fund

From General Revenue Fund .....	\$15,067,743
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**SECTION 7.130.** — To the Department of Economic Development

For general administration of Affordable Housing activities

For the Missouri Housing Development Commission

For funding housing subsidy grants or loans

From Missouri Housing Trust Fund (0 F.T.E.) .....	\$4,500,000E
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**SECTION 7.135.** — To the Department of Economic Development

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For Manufactured Housing	
Personal Service . . . . .	\$325,436
Expense and Equipment . . . . .	146,771
For Manufactured Housing programs . . . . .	7,935E
For refunds . . . . .	<u>10,000E</u>
From Manufactured Housing Fund (Not to exceed 9.00 F.T.E.) . . . . .	\$490,142

**SECTION 7.140.**— To the Department of Economic Development

For general administration of Financial Institution Safety and Soundness activities

For the Division of Credit Unions

Personal Service . . . . .	\$719,777
Expense and Equipment . . . . .	<u>130,951</u>
From Division of Credit Unions Fund (Not to exceed 15.50 F.T.E.) . . . . .	\$850,728

**SECTION 7.145.**— To the Department of Economic Development

For general administration of Financial Institution Safety and Soundness activities

For the Division of Finance

Personal Service . . . . .	\$4,189,416
Expense and Equipment . . . . .	827,265
For Out-of-State Examinations . . . . .	<u>50,000E</u>
From Division of Finance Fund (Not to exceed 98.15 F.T.E.) . . . . .	\$5,066,681

**SECTION 7.150.**— To the Department of Economic Development

There is transferred out of the Division of Savings and Loan Supervision Fund, Thirty-nine Thousand, Four Hundred Dollars (\$39,400) to the Division of Finance Fund, for the purpose of supervising state chartered savings and loan associations

From Division of Savings and Loan Supervision Fund . . . . .	\$39,400E
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**SECTION 7.155.**— To the Department of Economic Development

There is transferred out of the Division of Finance Fund, Five Hundred Thousand Dollars (\$500,000) to the General Revenue Fund in accordance with Section 361.170, RSMo

From Division of Finance Fund . . . . .	\$500,000E
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**SECTION 7.160.**— To the Department of Economic Development

There is transferred out of the Division of Savings and Loan Supervision Fund, Six Thousand, Nine Hundred Nine Dollars (\$6,909) to the General Revenue Fund in accordance with Section 369.324, RSMo

From Division of Savings and Loan Supervision Fund . . . . .	\$6,909E
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**SECTION 7.165.**— To the Department of Economic Development

There is transferred out of the Residential Mortgage Licensing Fund, One Hundred Fifty Thousand Dollars (\$150,000) to the Division of Finance Fund, for the purpose of administering the Residential Mortgage Licensing Law

From Residential Mortgage Licensing Fund . . . . .	\$150,000E
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**SECTION 7.170.**— To the Department of Economic Development

For the Office of Public Counsel

Personal Service and/or Expense and Equipment

From General Revenue Fund ( Not to exceed 14.00 F.T.E.) . . . . .	\$804,991
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**SECTION 7.175.**— To the Department of Economic Development

For general administration of Utility Regulation activities

For the Public Service Commission

Personal Service .....	\$9,435,499
Expense and Equipment .....	3,736,614
For refunds .....	<u>10,000E</u>
From Public Service Commission Fund .....	13,182,113

For Deaf Relay Service and Equipment Distribution Program

From Deaf Relay Service and Equipment Distribution Program Fund ..... 5,000,000

Expense and Equipment	
From Manufactured Housing Fund .....	<u>2,235</u>
Total (Not to exceed 208.00 F.T.E.) .....	\$18,184,348

**SECTION 7.200.**— To the Department of Economic Development

For general administration of the Division of Professional Registration

Personal Service .....	\$2,931,151
Expense and Equipment .....	2,445,015
For examination fees .....	88,000E
For refunds .....	<u>35,000E</u>
From Professional Registration Fees Fund (Not to exceed 90.02 F.T.E.) .....	\$5,499,166

**SECTION 7.205.**— To the Department of Economic Development

For the State Board of Accountancy

Personal Service .....	\$234,428
Expense and Equipment .....	<u>195,718</u>
From State Board of Accountancy Fund (Not to exceed 7.00 F.T.E.) .....	\$430,146

**SECTION 7.210.**— To the Department of Economic DevelopmentFor the State Board of Architects, Professional Engineers, and Land Surveyors,  
and Landscape Architects

Personal Service .....	\$323,654
Expense and Equipment .....	<u>405,127</u>
From State Board for Architects, Professional Engineers, Land Surveyors, and Landscape Architects Fund (Not to exceed 10.00 F.T.E.) .....	\$728,781

**SECTION 7.215.**— To the Department of Economic Development

For the State Board of Barber Examiners

Expense and Equipment	
From Board of Barbers Fund (0 F.T.E.) .....	\$38,271

**SECTION 7.220.**— To the Department of Economic Development

For the State Board of Chiropractic Examiners

Expense and Equipment	
From State Board of Chiropractic Examiners' Fund (0 F.T.E.) .....	\$151,052

**SECTION 7.225.**— To the Department of Economic Development

For the State Board of Cosmetology

Expense and Equipment	
From State Board of Cosmetology Fund .....	\$259,418

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**SECTION 7.230.**— To the Department of Economic Development

For the Missouri Dental Board

Personal Service .....	\$326,490
Expense and Equipment .....	<u>265,924</u>
From Dental Board Fund (Not to exceed 9.00 F.T.E.) .....	\$592,414

**SECTION 7.235.**— To the Department of Economic Development

For the State Board of Embalmers and Funeral Directors

Expense and Equipment .....	
From Board of Embalmers and Funeral Directors' Fund (0 F.T.E.) .....	\$149,634

**SECTION 7.240.**— To the Department of Economic Development

For the State Board of Registration for the Healing Arts

Personal Service .....	\$1,595,397
Expense and Equipment .....	<u>702,605</u>
For payment of fees for testing services .....	<u>187,568E</u>
From Board of Registration for Healing Arts Fund (Not to exceed 45.08 F.T.E.) .....	\$2,485,570

**SECTION 7.245.**— To the Department of Economic Development

For the State Board of Nursing

Personal Service .....	\$892,681
Expense and Equipment .....	<u>758,360</u>
For criminal history checks .....	<u>174,979E</u>
From State Board of Nursing Fund (Not to exceed 28.50 F.T.E.) .....	\$1,826,020

**SECTION 7.250.**— To the Department of Economic Development

For the State Board of Optometry

Expense and Equipment .....	
From Optometry Fund (0 F.T.E.) .....	\$42,604

**SECTION 7.255.**— To the Department of Economic Development

For the State Board of Pharmacy

Personal Service .....	\$571,197
Expense and Equipment .....	<u>606,756</u>
For criminal history checks of prospective licenses .....	<u>41,140E</u>
From Board of Pharmacy Fund (Not to exceed 14.00 F.T.E.) .....	\$1,219,093

**SECTION 7.260.**— To the Department of Economic Development

For the State Board of Podiatric Medicine

Expense and Equipment .....	
From State Board of Podiatric Medicine Fund (0 F.T.E.) .....	\$21,681

**SECTION 7.265.**— To the Department of Economic Development

For the Missouri Real Estate Commission

Personal Service .....	\$830,280
Expense and Equipment .....	<u>294,734</u>
From Real Estate Commission Fund (Not to exceed 26.00 F.T.E.) .....	\$1,125,014

**SECTION 7.270.**— To the Department of Economic Development

For the Missouri Veterinary Medical Board

Expense and Equipment .....	\$71,096
For payment of fees for testing services .....	<u>40,000E</u>

From Veterinary Medical Board Fund (0 F.T.E.) . . . . . \$111,096

**SECTION 7.275.**— To the Department of Economic Development

There is transferred out of the Escrow Agent Administration Fund,  
Fifteen Thousand Dollars to the Real Estate Commission Fund for  
the purpose of administering the Escrow Agent Law

From Escrow Agent Administration Fund . . . . . \$15,000E

**SECTION 7.280.**— To the Department of Economic Development

For funding transfer of funds to the General Revenue Fund

From State Board of Accountancy Fund . . . . . \$26,500E

From State Board for Architects, Professional Engineers, Land Surveyors, and  
Landscape Architects Fund . . . . . 122,100E

From Athletic Fund . . . . . 14,400E

From Board of Barbers Fund . . . . . 7,700E

From State Board of Chiropractic Examiners' Fund . . . . . 8,000E

From Clinical Social Workers Fund . . . . . 8,200E

From State Board of Cosmetology Fund . . . . . 55,000E

From Committee of Professional Counselors Fund . . . . . 15,000E

From Dental Board Fund . . . . . 31,200E

From Dietitian Fund . . . . . 1,200E

From Board of Embalmers and Funeral Directors' Fund . . . . . 51,500E

From Endowed Care Cemetery Audit Fund . . . . . 9,100E

From the Board of Geologist Registration Fund . . . . . 7,200E

From Board of Registration for Healing Arts Fund . . . . . 190,000E

From Hearing Instrument Specialist Fund . . . . . 7,700E

From Interior Designer Council Fund . . . . . 1,200E

From Marital and Family Therapists' Fund . . . . . 2,200E

From State Board of Nursing Fund . . . . . 128,400E

From Missouri Board of Occupational Therapy Fund . . . . . 6,100E

From Optometry Fund . . . . . 7,750E

From Board of Pharmacy Fund . . . . . 74,000E

From State Board of Podiatric Medicine Fund . . . . . 5,500E

From State Committee of Psychologists Fund . . . . . 26,000E

From Missouri Real Estate Appraisers Fund . . . . . 51,000E

From Respiratory Care Practitioners Fund . . . . . 5,000E

From State Committee of Interpreters Fund . . . . . 5,700E

From Real Estate Commission Fund . . . . . 101,000E

From Veterinary Medical Board Fund . . . . . 15,500E

From Acupuncturist Fund . . . . . 3,000E

From Tattoo Fund . . . . . 2,500E

From Massage Therapy Fund . . . . . 5,200E

Total . . . . . \$994,850

**SECTION 7.285.**— To the Department of Economic Development

There is transferred, for payment of operating expenses, the following  
amounts to the Professional Registration Fees Fund

From State Board of Accountancy Fund . . . . . \$115,601E

From State Board for Architects, Professional Engineers, Land Surveyors, and  
Landscape Architects Fund . . . . . 232,535E

From Athletic Fund . . . . . 189,295E

From Board of Barbers Fund . . . . . 165,059E

From State Board of Chiropractic Examiners' Fund	123,529E
From Clinical Social Workers Fund	205,293E
From State Board of Cosmetology Fund	1,259,535E
From Committee of Professional Counselors Fund	248,693E
From Dental Board Fund	67,922E
From Dietitian Fund	34,718E
From Board of Embalmers and Funeral Directors' Fund	316,715E
From Endowed Care Cemetery Audit Fund	106,176E
From the Board of Geologist Registration Fund	55,012E
From Board of Registration for Healing Arts Fund	387,661E
From Hearing Instrument Specialist Fund	73,080E
From Interior Designer Council Fund	42,037E
From Marital and Family Therapists' Fund	17,211E
From State Board of Nursing Fund	876,104E
From Missouri Board of Occupational Therapy Fund	127,663E
From Optometry Fund	75,255E
From Board of Pharmacy Fund	195,140E
From State Board of Podiatric Medicine Fund	26,473E
From State Committee of Psychologists Fund	338,454E
From Missouri Real Estate Appraisers Fund	361,713E
From Respiratory Care Practitioners Fund	137,692E
From State Committee of Interpreters Fund	12,129E
From Real Estate Commission Fund	466,043E
From Veterinary Medical Board Fund	171,129E
From Tattoo Fund	7,240E
From Acupuncturist Fund	1,635E
From Massage Therapy Fund	83,103E
Total	\$6,519,845

**SECTION 7.290.**— To the Department of Economic Development

There is transferred, for funding new licensing activity pursuant to Section 620.106, the following amounts to the Professional Registration Fees Fund

From Any Board Funds . . . . . \$1E

**SECTION 7.295.**— To the Department of Economic Development

There is transferred, for the reimbursement of funds loaned for new licensing activity pursuant to Section 620.106, the following amount to the appropriate board fund

From Professional Registration Fees Fund . . . . . \$1E

**SECTION 7.700.**— To the Department of Insurance

Personal Service . . . . . \$5,000,976  
Expense and Equipment . . . . . 1,803,056

From Department of Insurance Dedicated Fund (Not to exceed 144.50 F.T.E.) \$6,804,032

**SECTION 7.705.**— To the Department of Insurance

For market conduct and financial examinations of insurance companies

Personal Service . . . . . \$5,369,071  
Expense and Equipment . . . . . 2,095,607

From Insurance Examiners Fund (Not to exceed 82.00 F.T.E.) \$7,464,678

**SECTION 7.710.**— To the Department of Insurance

For refunds	
From Insurance Examiners Fund	\$1E
From Department of Insurance Dedicated Fund	<u>25,000E</u>
Total (0 F.T.E.)	\$25,001E

**SECTION 7.715.**— To the Department of Insurance

For the purpose of funding programs providing counseling on health insurance coverage and benefits to Medicare beneficiaries

From Federal Funds ( 0 F.T.E.)	\$450,000
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**SECTION 7.800.**— To the Department of Labor and Industrial Relations

For the Director and Staff

For life insurance costs

From General Revenue Fund	\$102
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Personal Service	525,436E
Expense and Equipment	1,553,866E
For life insurance costs	<u>87,602</u>
From Unemployment Compensation Administration Fund	2,166,904

Personal Service	6,465,982
Expense and Equipment	<u>8,675,570</u>
From Department of Labor and Industrial Relations Administrative Fund	15,141,552

Personal Service	23,184
Expense and Equipment	2,350
For life insurance costs	<u>500</u>
From Workers' Compensation Fund	26,034

For life insurance costs	
From Crime Victims' Compensation Fund	<u>50</u>
Total (Not to exceed 171.89 F.T.E.)	\$17,334,642

**SECTION 7.805.**— To the Department of Labor and Industrial Relations

There is transferred, for payment of administrative costs, the following amounts to the Department of Labor and Industrial Relations Administrative Fund

From General Revenue Fund	\$453,371
From Federal Funds	14,516,879
From Workers' Compensation Fund	3,120,445
From Crime Victims' Compensation Fund	118,892
From Special Employment Security Fund	<u>120,315</u>
Total	\$18,329,902

**SECTION 7.810.**— To the Department of Labor and Industrial Relations

For the Labor and Industrial Relations Commission

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund	\$12,446
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Personal Service	245,647
Expense and Equipment	<u>44,845</u>
From Unemployment Compensation Administration Fund	290,492

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Personal Service .....	500,332
Expense and Equipment .....	<u>91,817</u>
From Workers' Compensation Fund .....	592,149
Total (Not to exceed 15.00 F.T.E.) .....	<u>\$895,087</u>

**SECTION 7.815.**— To the Department of Labor and Industrial Relations

For the Division of Labor Standards

For Administration

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation	
From General Revenue Fund .....	\$1,114,724

Personal Service .....	198,068
Expense and Equipment .....	<u>165,670</u>
From Federal Funds .....	363,738

Expense and Equipment	
From Child Labor Enforcement Fund .....	<u>200,000</u>
Total (Not to exceed 29.70 F.T.E.) .....	<u>\$1,678,462</u>

**SECTION 7.820.**— To the Department of Labor and Industrial Relations

For the Division of Labor Standards

For safety and health programs

Personal Service and/or Expense and Equipment	
From General Revenue Fund .....	\$83,725

Personal Service .....	547,540
Expense and Equipment .....	<u>218,078E</u>
From Federal Funds .....	<u>765,618</u>
Total (Not to exceed 13.00 F.T.E.) .....	<u>\$849,343</u>

**SECTION 7.825.**— To the Department of Labor and Industrial Relations

For the Division of Labor Standards

For mine safety and health training programs

Personal Service and/or Expense and Equipment	
From General Revenue Fund .....	\$63,111

Personal Service .....	255,839
Expense and Equipment .....	<u>106,985E</u>
From Federal Funds .....	<u>362,824</u>
Total (Not to exceed 6.00 F.T.E.) .....	<u>\$425,935</u>

**SECTION 7.830.**— To the Department of Labor and Industrial Relations

For the State Board of Mediation

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation	
From General Revenue Fund (Not to exceed 2.50 F.T.E.) .....	\$134,064

**SECTION 7.835.**— To the Department of Labor and Industrial Relations

For the Division of Workers' Compensation

For the purpose of funding Administration

Personal Service .....	\$7,889,219
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Expense and Equipment .....	1,432,649
There is transferred from the Workers' Compensation Fund to the Kids' Chance Scholarship Fund .....	50,000
From Workers' Compensation Fund .....	9,371,868

Personal Service .....	41,556
Expense and Equipment .....	15,000
From Tort Victims' Compensation Fund .....	56,556

Personal Service	
From Crime Victims' Compensation Fund .....	23,385
Total (Not to exceed 175.75 F.T.E.) .....	\$9,451,809

**SECTION 7.840.**— To the Department of Labor and Industrial Relations  
For the Division of Workers' Compensation  
For payment of special claims  
From Second Injury Fund (0 F.T.E.) ..... \$53,500,000

**SECTION 7.845.**— To the Department of Labor and Industrial Relations  
For the Division of Workers' Compensation  
For refunds for overpayment of any tax or any payment credited to the Second Injury Fund  
From Second Injury Fund (0 F.T.E.) ..... \$250,000E

**SECTION 7.850.**— To the Department of Labor and Industrial Relations  
For the Division of Workers' Compensation  
For Crime Victims' Administration  
Expense and Equipment  
From Federal Funds ..... \$50,000

Personal Service .....	262,909
Expense and Equipment .....	101,558
From Crime Victims' Compensation Fund .....	364,467
Total (Not to exceed 9.00 F.T.E.) .....	\$414,467

**SECTION 7.855.**— To the Department of Labor and Industrial Relations  
For the Division of Workers' Compensation  
For payments of claims to crime victims  
From Federal Funds ..... \$2,023,811E  
From Crime Victims' Compensation Fund ..... 5,476,189E  
Total (0 F.T.E.) ..... \$7,500,000

**SECTION 7.860.**— To the Department of Labor and Industrial Relations  
For the Division of Workers' Compensation  
For payments of claims to tort victims  
From Tort Victims' Compensation Fund (0 F.T.E.) ..... \$3,000,000E

**SECTION 7.865.**— To the Department of Labor and Industrial Relations  
There is transferred, for payment of office space costs, the following amounts to the Workers' Compensation Fund  
From Federal Funds ..... \$30,548  
From Crime Victims' Compensation Fund ..... 190

Total . . . . . \$30,738

**SECTION 7.870.**— To the Department of Labor and Industrial Relations

For the Division of Employment Security

Personal Service . . . . . \$28,121,916E

Expense and Equipment . . . . . 8,623,488E

From Unemployment Compensation Administration Fund (Not to exceed  
792.57 FTE) . . . . . \$36,745,404

**SECTION 7.875.**— To the Department of Labor and Industrial Relations

For the Division of Employment Security

For administration of programs authorized and funded by the United States

Department of Labor, such as Disaster Unemployment Assistance (DUA),

and provided that all funds shall be expended from discrete accounts and

that no monies shall be expended for funding administration of these

programs by the Division of Employment Security

From Unemployment Compensation Administration Fund (0 F.T.E.) . . . . . \$9,000,000E

**SECTION 7.880.**— To the Department of Labor and Industrial Relations

For the Division of Employment Security

Personal Service . . . . . \$100,569

Expense and Equipment . . . . . 2,280,000E

For Interest Payments . . . . . 100,000E

From Special Employment Security Fund (Not to exceed 2.71 F.T.E.) . . . . . \$2,480,569

**SECTION 7.885.**— To the Department of Labor and Industrial Relations

For the Division of Employment Security

For the payment of refunds set-off against debts as required by Section

143.786, RSMo

From Debt Offset Escrow Fund (0 F.T.E.) . . . . . \$1,600,000E

**SECTION 7.890.**— To the Department of Labor and Industrial Relations

For the Governor's Council on Disability

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$276,094

Personal Service . . . . . 245,273

Expense and Equipment . . . . . 591,893

From Federal Funds . . . . . 837,166

Personal Service . . . . . 188,131

Expense and Equipment . . . . . 2,467,914

From Deaf Relay Service and Equipment Distribution Program Fund . . . . . 2,656,045

Program Specific Distribution

For general program administration, including all expenditures for the

Assistive Technology Loan Program

From Assistive Technology Loan Revolving Fund . . . . . 1,000,000

Total (Not to exceed 15.70 F.T.E.) . . . . . \$4,769,305

**SECTION 7.895.**— To the Department of Labor and Industrial Relations

For the Missouri Commission on Human Rights

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$980,682

Personal Service . . . . . 757,327

Expense and Equipment . . . . . 187,000E

From Federal Funds . . . . . 944,327

Total (Not to exceed 44.95 F.T.E.) . . . . . \$1,925,009

#### **BILL TOTALS**

General Revenue Fund . . . . . \$44,017,252

Federal Funds . . . . . 232,234,600

Other Funds . . . . . 164,671,886

Total . . . . . \$440,923,738

Approved May 30, 2003

#### **HB 8 [CCS SCS HS HB 8]**

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

#### **APPROPRIATIONS: DEPARTMENT OF PUBLIC SAFETY.**

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the state treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated, for the period beginning July 1, 2003 and ending June 30, 2004, as follows:

#### **SECTION 8.005.**— To the Department of Public Safety

For the Office of the Director

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$1,317,353

Personal Service . . . . . 389,381

Expense and Equipment . . . . . 238,594

Program Specific Distribution . . . . . 200,000

From Federal Funds . . . . . 827,975

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Personal Service .....	226,612
Expense and Equipment .....	<u>657,828</u>
From Crime Victims' Compensation Fund .....	884,440

Expense and Equipment	
From Firing Range Fee Fund .....	1,500
From Missouri Crime Prevention Information and Programming Fund .....	<u>50,000</u>
Total (Not to exceed 41.00 F.T.E.) .....	\$3,081,268

**SECTION 8.010.**— To the Department of Public Safety  
For the Office of the Director  
For operational maintenance and repairs for state-owned facilities  
From Facilities Maintenance Reserve Fund ..... \$185,889

**SECTION 8.015.**— To the Department of Public Safety  
For the Office of the Director  
For the Juvenile Justice Challenge Grant Program  
From Federal Funds ..... \$350,000

**SECTION 8.020.**— To the Department of Public Safety  
For the Office of the Director  
For the Juvenile Justice Delinquency Prevention Program  
From Federal Funds ..... \$2,500,000

**SECTION 8.025.**— To the Department of Public Safety  
For the Office of the Director  
For the Juvenile Justice Accountability Incentive Block Grant Program  
From Federal Funds ..... \$6,419,607

**SECTION 8.035.**— To the Department of Public Safety  
For the Office of the Director  
For the Local Law Enforcement Block Grant Program  
From Federal Funds ..... \$800,000

**SECTION 8.040.**— To the Department of Public Safety  
For the Office of the Director  
For the Narcotics Control Assistance Program  
From Federal Funds ..... \$11,000,000

**SECTION 8.045.**— To the Department of Public Safety  
For the Office of the Director  
For the Services to Victims Program  
From Services to Victims Fund ..... \$3,700,000

For counseling and other support services for crime victims	
From Crime Victims' Compensation Fund .....	<u>50,000</u>
Total .....	\$3,750,000

**SECTION 8.050.**— To the Department of Public Safety  
For the Office of the Director  
For the Victims of Crime Program  
From Federal Funds ..... \$9,000,000

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**SECTION 8.055.**— To the Department of Public Safety

For the Office of the Director

For the Violence Against Women Program

From Federal Funds . . . . . \$3,200,000

**SECTION 8.060.**— To the Department of Public Safety

For the purpose of funding regional crime labs on a matching reimbursement

basis of one dollar of state funding for each dollar of regional funding

provided through fees or contributions that may be collected from local

law enforcement agencies in Missouri up to the limit of this appropriation.

Support of any non-law enforcement agency, any agency or institution of

state government, any agency funded principally through federal entitlement

or grant, or any law enforcement agency in a metropolitan area having a

population exceeding one hundred thousand shall not be included in

determining the regional funding used to calculate the amount of matching

state funds

From General Revenue Fund . . . . . \$230,000

**SECTION 8.065.**— To the Department of Public Safety

For the National Forensic Sciences Improvement Act Program

From Federal Funds . . . . . \$210,000

**SECTION 8.070.**— To the Department of Public Safety

For the State Forensic Laboratory Program

From State Forensic Laboratory Fund . . . . . \$266,000

**SECTION 8.075.**— To the Department of Public Safety

For the Office of the Director

For the Residential Substance Abuse Treatment Program

From Federal Funds . . . . . \$1,227,000

**SECTION 8.080.**— To the Department of Public Safety

For the Office of the Director

For peace officer training

From Peace Officer Standards and Training Commission Fund . . . . . \$1,500,000

**SECTION 8.085.**— To the Department of Public Safety

For the Capitol Police

Personal Service and/or Expense and Equipment, provided that not more

than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 40.00 F.T.E.) . . . . . \$1,394,391

**SECTION 8.090.**— To the Department of Public Safety

For the State Highway Patrol

For Administration

Expense and Equipment

From General Revenue Fund . . . . . \$20,850

For the High-Intensity Drug Trafficking Area Program

From Federal Funds . . . . . 3,200,000

Personal Service . . . . . 4,818,821

Expense and Equipment . . . . .	402,877
From State Highways and Transportation Department Fund . . . . .	5,221,698

Expense and Equipment	
From Gaming Commission Fund . . . . .	4,865
Total (Not to exceed 119.00 F.T.E.) . . . . .	\$8,447,413

**SECTION 8.095.**— To the Department of Public Safety

For the State Highway Patrol

For fringe benefits, including retirement contributions for members of the

Highways and Transportation Employees' and Highway Patrol Retirement  
System, and insurance premiumsPersonal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . .	\$3,310,560E
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Personal Service . . . . .	986,784E
Expense and Equipment . . . . .	64,647E
From Federal Funds . . . . .	1,051,431

Personal Service . . . . .	67,507E
Expense and Equipment . . . . .	4,803E
From Gaming Commission Fund . . . . .	72,310

Personal Service . . . . .	33,041,053E
Expense and Equipment . . . . .	1,878,820E
From State Highways and Transportation Department Fund . . . . .	34,919,873

Personal Service . . . . .	1,086,086E
Expense and Equipment . . . . .	64,138E
From Criminal Record System Fund . . . . .	1,150,224

Personal Service . . . . .	46,638E
Expense and Equipment . . . . .	1,888E
From Highway Patrol Academy Fund . . . . .	48,526

Personal Service . . . . .	12,694E
Expense and Equipment . . . . .	772E
From Criminal Justice Network and Technology Revolving Fund . . . . .	13,466
Total . . . . .	\$40,566,390

**SECTION 8.100.**— To the Department of Public Safety

For the State Highway Patrol

Funds are to be transferred out of the state treasury, chargeable to  
the Federal Drug Seizure Fund, to the General Revenue Fund

From Federal Drug Seizure Fund . . . . .	\$397,000
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**SECTION 8.105.**— To the Department of Public Safety

For the State Highway Patrol

For the Enforcement Program

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund .....	\$6,199,663
Personal Service .....	1,900,491
Expense and Equipment .....	<u>9,343,607</u>
From Federal Funds .....	11,244,098
Personal Service .....	46,487,217
Expense and Equipment .....	<u>4,269,446</u>
From State Highways and Transportation Department Fund .....	50,756,663
Personal Service .....	1,971,802
Expense and Equipment .....	<u>1,484,121</u>
From Criminal Record System Fund .....	3,455,923
Personal Service .....	21,265
Expense and Equipment .....	<u>84,908</u>
From Gaming Commission Fund .....	106,173
Expense and Equipment .....	
From Highway Patrol's Motor Vehicle and Aircraft Revolving Fund .....	330,500
All expenditures must be in compliance with the United States Department of Justice equitable sharing program guidelines	
Expense and Equipment .....	
From General Revenue Fund .....	<u>397,000</u>
Total(Not to exceed 1,357.75 F.T.E.) .....	<u>\$72,490,020</u>

**SECTION 8.110.**— To the Department of Public Safety

For the State Highway Patrol

For gasoline expenses for State Highway Patrol vehicles, including aircraft,  
and Gaming Commission vehicles

Expense and Equipment .....	
From General Revenue Fund .....	\$138,437
From Gaming Commission Fund .....	186,661
From State Highways and Transportation Department Fund .....	<u>1,733,377</u>
Total .....	<u>\$2,058,475</u>

**SECTION 8.115.**— To the Department of Public Safety

For the State Highway Patrol

For purchase of vehicles for the State Highway Patrol and the Gaming Commission

Expense and Equipment .....	
From State Highways and Transportation Department Fund .....	\$3,823,946
From Highway Patrol's Motor Vehicle and Aircraft Revolving Fund .....	6,051,134
From Gaming Commission Fund .....	<u>510,065</u>
Total .....	<u>\$10,385,145</u>

**SECTION 8.120.**— To the Department of Public Safety

For the State Highway Patrol

For the Crime Labs

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation	
From General Revenue Fund .....	\$1,009,768

Personal Service .....	171,643
Expense and Equipment .....	<u>361,223</u>
From Federal Funds .....	532,866

For grants to St. Louis City and St. Louis County Forensic DNA Labs

From Federal Funds .....	377,698
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Personal Service .....	1,514,667
Expense and Equipment .....	<u>105,957</u>
From State Highways and Transportation Department Fund .....	1,620,624

Personal Service .....	61,376
Expense and Equipment .....	<u>3,600</u>
From Criminal Record System Fund .....	64,976

Expense and Equipment	
From State Forensic Laboratory Fund .....	<u>60,000</u>
Total (Not to exceed 60.75 F.T.E.) .....	\$3,665,932

**SECTION 8.125.** — To the Department of Public Safety

For the State Highway Patrol

For the Law Enforcement Academy

From Federal Funds .....	\$87,859
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For the DARE Training Center

Personal Service .....	142,782
Expense and Equipment .....	<u>159,256</u>
From Federal Funds .....	302,038

Personal Service .....	143,232
Expense and Equipment .....	<u>132,112</u>
From Gaming Commission Fund .....	275,344

Personal Service .....	1,162,648
Expense and Equipment .....	<u>144,139</u>
From State Highways and Transportation Department Fund .....	1,306,787

Personal Service .....	81,059
Expense and Equipment .....	<u>653,260</u>
From Highway Patrol Academy Fund .....	<u>734,319</u>
Total (Not to exceed 42.00 F.T.E.) .....	\$2,706,347

**SECTION 8.130.** — To the Department of Public Safety

For the State Highway Patrol

For Vehicle and Driver Safety

Expense and Equipment	
From Federal Funds .....	\$82,550

Personal Service .....	9,124,606
Expense and Equipment .....	<u>916,412</u>
From State Highways and Transportation Department Fund .....	10,041,018

Expense and Equipment	
From Highway Patrol Inspection Fund	37,725
Total(Not to exceed 289.00 F.T.E.)	<u>\$10,161,293</u>

**SECTION 8.135.** — To the Department of Public Safety

For the State Highway Patrol

For refunding unused motor vehicle inspection stickers

From State Highways and Transportation Department Fund	\$40,000E
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**SECTION 8.140.** — To the Department of Public Safety

For the State Highway Patrol

For Technical Services

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund	\$491,811
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Personal Service	248,527
Expense and Equipment	<u>12,672,169</u>
From Federal Funds	<u>12,920,696</u>

Personal Service	9,493,274
Expense and Equipment	<u>5,131,647</u>
From State Highways and Transportation Department Fund	<u>14,624,921</u>

Personal Service	418,556
Expense and Equipment	<u>1,246,884</u>
From Criminal Record System Fund	<u>1,665,440</u>

Personal Service	
From Gaming Commission Fund	18,582

Personal Service	29,756
Expense and Equipment	<u>2,201,000E</u>
From Criminal Justice Network and Technology Revolving Fund	<u>2,230,756</u>
Total(Not to exceed 272.00 F.T.E.)	<u>\$31,952,206</u>

**SECTION 8.145.** — To the Department of Public Safety

For the State Water Patrol

Funds are to be transferred out of the state treasury, chargeable to the Federal Drug Seizure Fund, to the General Revenue Fund

From Federal Drug Seizure Fund	\$42,122
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**SECTION 8.150.** — To the Department of Public Safety

For the State Water Patrol

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund	\$4,568,077
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Personal Service	199,403
Expense and Equipment	<u>1,436,728</u>
From Federal Funds	<u>1,636,131</u>

## For the State Water Patrol

All expenditures must be in compliance with the United States Department of Justice equitable sharing program guidelines

Expense and Equipment

From General Revenue Fund . . . . .	42,122
Total(Not to exceed 115.50 F.T.E.) . . . . .	\$6,246,330

**SECTION 8.155.**— To the Department of Public Safety

## For the Division of Liquor Control

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . .	\$2,627,883
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Personal Service . . . . .	310,287
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Expense and Equipment . . . . .	185,768
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From Federal Funds . . . . .	496,055
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Personal Service . . . . .	94,104
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Expense and Equipment . . . . .	36,960
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From Healthy Families Trust Fund-Tobacco Prevention Account . . . . .	131,064
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Total (Not to exceed 59.00 F.T.E.) . . . . .	\$3,255,002
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**SECTION 8.160.**— To the Department of Public Safety

## For the Division of Liquor Control

For refunds for unused liquor and beer licenses and for liquor and beer stamps not used and canceled

From General Revenue Fund . . . . .	\$18,000E
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**SECTION 8.165.**— To the Department of Public Safety

## For the Division of Fire Safety

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . .	\$1,926,375
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Personal Service . . . . .	187,524
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Expense and Equipment . . . . .	104,317
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From Elevator Safety Fund . . . . .	291,841
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Personal Service . . . . .	204,348
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Expense and Equipment . . . . .	58,070
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From Boiler and Pressure Vessel Safety Fund . . . . .	262,418
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Total(Not to exceed 59.92 F.T.E.) . . . . .	\$2,480,634
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**SECTION 8.170.**— To the Department of Public Safety

## For the Division of Fire Safety

For firefighter training contracted services

Expense and Equipment

From General Revenue Fund . . . . .	\$215,908
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From Chemical Emergency Preparedness Fund . . . . .	142,237
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Total . . . . .	\$358,145
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**SECTION 8.175.**— To the Department of Public Safety

For the Missouri Veterans' Commission	
For Administration and Service to Veterans	
Personal Service and/or Expense and Equipment, provided that not more	
than fifteen percent (15%) flexibility is allowed between each appropriation	
From General Revenue Fund	\$1,900,072
Personal Service	462,621
Expense and Equipment	812,565
From Missouri Veterans' Homes Fund	1,275,186
Personal Service	827,004
Expense and Equipment	639,150
From Veterans' Commission Capital Improvement Trust Fund	1,466,154
Personal Service	52,200
Expense and Equipment	24,800
From Veterans' Trust Fund	77,000
Total (Not to exceed 96.27 F.T.E.)	\$4,718,412

**SECTION 8.180.**— To the Department of Public Safety

For the Missouri Veterans' Commission	
For Veterans' Service Officer Programs	
From Veterans' Commission Capital Improvement Trust Fund	\$750,000

**SECTION 8.185.**— To the Department of Public Safety

For the Missouri Veterans' Commission	
For Missouri Veterans' Homes	
Personal Service	
From General Revenue Fund	\$6,510,691
Personal Service	28,642,784
Expense and Equipment	15,425,332
From Missouri Veterans' Homes Fund	44,068,116
Personal Service	
From Veterans' Trust Fund	52,500
Expense and Equipment	
From Veterans' Commission Capital Improvement Trust Fund	24,000
Total(Not to exceed 1,447.53 F.T.E.)	\$50,655,307

**SECTION 8.190.**— To the Department of Public Safety

For the Gaming Commission	
For the Divisions of Gaming and Bingo	
Personal Service	\$10,763,099
Expense and Equipment	1,999,291
From Gaming Commission Fund	12,762,390
Expense and Equipment	
From Compulsive Gamblers Fund	40,000
Total(Not to exceed 235.00 F.T.E.)	\$12,802,390

**SECTION 8.195.**— To the Department of Public Safety

For the Gaming Commission

For fringe benefits, including retirement contributions for members of the

Highways and Transportation Employees' and Highway Patrol Retirement  
System, and insurance premiums for State Highway Patrol employees  
assigned to work under the direction of the Gaming Commission

Personal Service Benefits . . . . . \$3,027,192E

Expense and Equipment . . . . . 178,765E

From Gaming Commission Fund . . . . . \$3,205,957

**SECTION 8.200.**— To the Department of Public Safety

For the Gaming Commission

For refunding any overpayment or erroneous payment of any amount that is  
credited to the Gaming Commission Fund

From Gaming Commission Fund . . . . . \$100,000E

**SECTION 8.205.**— To the Department of Public Safety

For the Gaming Commission

For refunding any overpayment or erroneous payment of any amount received  
for bingo fees

From Bingo Proceeds for Education Fund . . . . . \$5,000E

**SECTION 8.210.**— To the Department of Public Safety

For the Gaming Commission

For breeder incentive payments

From Missouri Breeders Fund . . . . . \$5,000

**SECTION 8.215.**— To the Department of Public Safety

For the Adjutant General

Funds are to be transferred out of the state treasury, chargeable to the Federal  
Drug Seizure Fund, to the General Revenue Fund

From Federal Drug Seizure Fund . . . . . \$57,147

**SECTION 8.220.**— To the Adjutant General

For Missouri Military Forces Administration

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . 1,881,373

All expenditures must be in compliance with the United States Department  
of Justice equitable sharing program guidelines

Expense and Equipment

From General Revenue Fund . . . . . 57,147Total (Not to exceed 51.78 F.T.E.) . . . . . \$1,938,520**SECTION 8.225.**— To the Adjutant General

For activities in support of the Guard

Expense and Equipment

From the Missouri National Guard Trust Fund . . . . . \$2,000

**SECTION 8.230.**— To the Adjutant General

For the National Guard Tuition Assistance Program

From Missouri National Guard Trust Fund . . . . . \$2,762,400

**SECTION 8.235.**— To the Adjutant General

For the Military Honors Program

Personal Service and/or Expense and Equipment, provided that not more  
than \$200,000 flexibility is allowed between Personal Service and  
Expense and Equipment

From Missouri National Guard Trust Fund (Not to exceed 43.40 F.T.E.) . . . . . \$2,265,337

**SECTION 8.240.**— To the Adjutant General

For operational maintenance and repairs for state and federally owned facilities

From Federal Funds . . . . . \$100,000

From Facilities Maintenance Reserve Fund . . . . . 399,881

Total . . . . . \$499,881

**SECTION 8.245.**— To the Adjutant General

For Missouri Military Forces Field Support

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$1,113,486

Fuel and Utilities

From General Revenue Fund . . . . . 1,026,770

Total (Not to exceed 45.45 F.T.E.) . . . . . \$2,140,256

**SECTION 8.250.**— To the Adjutant General

For fuel and utility expenses at armories from armory rental fees

Expense and Equipment

From Adjutant General Revolving Fund . . . . . \$25,000E

**SECTION 8.255.**— To the Adjutant General

For training site operating costs

Expense and Equipment

From Missouri National Guard Training Site Fund . . . . . \$244,800E

**SECTION 8.260.**— To the Adjutant General

For Missouri Military Forces Contract Services

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$992,564

Personal Service . . . . . 8,000,515

Expense and Equipment . . . . . 6,900,000E

For refunds of federal overpayments to the state for the Contract Services

Program . . . . . 30,000E

From Federal Funds . . . . . 14,930,515

Total (Not to exceed 285.06 F.T.E.) . . . . . \$15,923,079

**SECTION 8.265.**— To the Adjutant General

For the Troupers Training School

Personal Service

From General Revenue Fund . . . . . \$90,595

Personal Service .....	377,701
Expense and Equipment .....	<u>637,838E</u>
From Federal Funds .....	1,015,539

Personal Service	
From Missouri National Guard Training Site Fund .....	<u>16,068</u>
Total(Not to exceed 16.05 F.T.E.) .....	\$1,122,202

**SECTION 8.270.**— To the Adjutant General

For the Office of Air Search and Rescue

Expense and Equipment	
From General Revenue Fund .....	\$18,602

**SECTION 8.275.**— To the Adjutant General

For the State Emergency Management Agency

For Administration and Emergency Operations

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation	
From General Revenue Fund .....	\$1,915,437

For local hazard mitigation projects under the Flood Mitigation Assistance Program

From General Revenue Fund .....	<u>25,822</u>
Total .....	1,941,259

Personal Service .....	983,384
Expense and Equipment .....	<u>216,023</u>
From Federal Funds .....	1,199,407

Personal Service .....	163,593
Expense and Equipment .....	<u>68,884</u>
From Chemical Emergency Preparedness Fund .....	<u>232,477</u>
Total (Not to exceed 69.76 F.T.E.) .....	\$3,373,143

**SECTION 8.280.**— To the Adjutant General

For the State Emergency Management Agency

For the Community Right-to-Know Act

From Chemical Emergency Preparedness Fund .....	\$650,000
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For distribution of funds to local emergency planning commissions to implement the federal Hazardous Materials Transportation Uniform Safety Act of 1990

From Federal Funds .....	<u>350,000</u>
Total .....	\$1,000,000

**SECTION 8.285.**— To the Adjutant General

For the State Emergency Management Agency

For all allotments, grants, and contributions from federal and other sources that are deposited in the state treasury for administrative and training expenses of the State Emergency Management Agency

From Federal and Other Funds .....	\$1,500,000E
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For all allotments, grants, and contributions from federal and other sources that are deposited in the state treasury for the use of the State

Emergency Management Agency for alleviating distress from disasters  
 From Missouri Disaster Fund ..... 500,000E

To provide matching funds for federal grants and for emergency assistance  
 expenses of the State Emergency Management Agency as provided in  
 Section 44.032, RSMo  
 From General Revenue Fund ..... 1E  
 Total ..... \$2,000,001

**SECTION 8.290.**— Funds are to be transferred out of the state treasury,  
 chargeable to the Veterans' Commission Capital Improvement Trust Fund,  
 to the Veterans' Homes Fund  
 From Veterans' Commission Capital Improvement Trust Fund ..... \$500,000E

**SECTION 8.295.**— Funds are to be transferred out of the state treasury,  
 chargeable to the Gaming Commission Fund, to the Veterans'  
 Commission Capital Improvement Trust Fund  
 From Gaming Commission Fund ..... \$3,000,000

**SECTION 8.300.**— Funds are to be transferred out of the state treasury,  
 chargeable to the Gaming Commission Fund, to the Missouri National  
 Guard Trust Fund  
 From Gaming Commission Fund ..... \$3,000,000

**SECTION 8.305.**— Funds are to be transferred out of the state treasury,  
 chargeable to the Gaming Commission Fund, to the Missouri College  
 Guarantee Fund  
 From Gaming Commission Fund ..... \$4,500,000E

**SECTION 8.310.**— Funds are to be transferred out of the state treasury,  
 chargeable to the Gaming Commission Fund, to the Early Childhood  
 Development, Education and Care Fund  
 From Gaming Commission Fund ..... \$30,175,000E

**SECTION 8.315.**— Funds are to be transferred out of the state treasury,  
 chargeable to the Highway Patrol Inspection Fund, to the State Road Fund  
 From Highway Patrol Inspection Fund ..... \$1E

**SECTION 8.320.**— Funds are to be transferred out of the state treasury,  
 chargeable to the Gaming Commission Fund, to the Compulsive  
 Gamblers Fund  
 From Gaming Commission Fund ..... \$489,850

#### **BILL TOTALS**

General Revenue Fund ..... \$39,440,758  
 Federal Funds ..... 87,061,465  
 Other Funds ..... 222,914,781  
 Total ..... \$349,417,004

Approved May 30, 2003

## HB 9 [CCS SCS HS HB 9]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS: DEPARTMENT OF CORRECTIONS.**

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated, for the period beginning July 1, 2003 and ending June 30, 2004, as follows:

**SECTION 9.005.** — To the Department of Corrections

For the purpose of funding the Office of the Director

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$2,697,950

For the purpose of funding a Sentencing and Offender Reentry Task Force to review, monitor, and evaluate the implementation of sentencing and offender reentry programs. The department shall contract with a community-based, not-for-profit agency with a record of providing successful job placement, training, and retention services to provide an employment placement program for female inmates preparing for release from a state correctional facility and who will be returning or locating in the St. Louis metropolitan area. Such a program shall also include assessment, job readiness training, job placement, job retention services, follow-up services, and other wrap-around services necessary for success for up to 150 female inmates scheduled to be released on parole. The department shall provide quarterly reports to the House of Representatives and Senate on the results of the program in order to show efficacy

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . 520,000

Expense and Equipment

From Federal Funds . . . . . 50,000

Expense and Equipment

From Crime Victims' Compensation Fund . . . . . 82,500

Total (Not to exceed 82.74 F.T.E.) . . . . . \$3,350,450

**SECTION 9.010.** — To the Department of Corrections

For the Office of the Director

For the purpose of funding all grants and contributions of funds from the federal government or from any other source which may be deposited in the State Treasury for the use of the Department of Corrections  
 Personal Service and/or Expense and Equipment, provided that not more than ten percent flexibility is allowed between Personal Service and Expense and Equipment  
 From Federal Funds (Not to exceed 72.00 F.T.E.) . . . . . \$8,441,077

**SECTION 9.020.**— To the Department of Corrections

For the Office of the Director  
 For the purpose of funding the expense of fuel and utilities department-wide  
 Expense and Equipment  
 From General Revenue Fund . . . . . \$21,041,796  
 From Working Capital Revolving Fund . . . . . 1,500,000  
 Total . . . . . \$22,541,796

**SECTION 9.025.**— To the Board of Public Buildings

For the Department of Corrections  
 For payment of rent by the Department of Corrections to the Board for the Farmington Correctional Center and Fulton Reception and Diagnostic Center. Funds to be used by the Board for fuel and utilities  
 Expense and Equipment  
 From General Revenue Fund . . . . . \$2,568,750

**SECTION 9.030.**— To the Department of Corrections

For the Office of the Director  
 For the purchase, transportation, and storage of food and food service items at all correctional institutions  
 Expense and Equipment  
 From General Revenue Fund . . . . . \$24,365,372  
 From Federal Funds . . . . . 450,000  
 Total . . . . . \$24,815,372

**SECTION 9.035.**— To the Department of Corrections

For the Office of the Director  
 For the purpose of funding the operational maintenance and repairs for state-owned facilities  
 Expense and Equipment  
 From Facilities Maintenance Reserve Fund . . . . . \$1,218,750

**SECTION 9.040.**— To the Department of Corrections

For the Office of the Director  
 For Public School Retirement contributions  
 From General Revenue Fund . . . . . \$1,792

**SECTION 9.045.**— To the Department of Corrections

For the Office of the Director  
 For the purpose of funding costs associated with increased offender population department-wide, including, but not limited to, funding for personal service, expense and equipment, contractual services, repairs, renovations, capital improvements, and compensatory time.  
 From General Revenue Fund . . . . . \$11,226,091

**SECTION 9.050.**— To the Department of Corrections

For the Office of the Director

For the purpose of funding data processing and information systems costs  
department-widePersonal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 48.79 F.T.E.) . . . . . \$5,879,722

**SECTION 9.055.**— To the Department of Corrections

For the Office of the Director

For the purpose of funding the expense of telecommunications department-wide  
Expense and Equipment

From General Revenue Fund . . . . . \$2,837,118

From Working Capital Revolving Fund . . . . . 256,400

Total . . . . . \$3,093,518

**SECTION 9.060.**— To the Department of Corrections

For the Division of Human Services

For the purpose of funding General Services

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$5,583,255

Personal Service

From Working Capital Revolving Fund . . . . . 46,841

Personal Service . . . . . 308,423

Expense and Equipment . . . . . 63,049

From Inmate Revolving Fund . . . . . 371,472

Expense and Equipment

From Federal Funds . . . . . 31,823

Total (Not to exceed 176.16 F.T.E.) . . . . . \$6,033,391

**SECTION 9.065.**— To the Department of Corrections

For the purpose of funding the Division of Human Services

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$3,072,565

From Working Capital Revolving Fund . . . . . 26,284

Total (Not to exceed 52.00 F.T.E.) . . . . . \$3,098,849

**SECTION 9.070.**— To the Department of Corrections

For the Division of Human Services

For the purpose of funding training costs department-wide

Expense and Equipment

From General Revenue Fund . . . . . \$1,596,715

**SECTION 9.075.**— To the Department of Corrections

For the Division of Human Services

For the purpose of funding employee health and safety

Expense and Equipment

From General Revenue Fund . . . . . \$580,711

**SECTION 9.100.**— To the Department of Corrections

For the purpose of funding the Division of Adult Institutions

For the Central Office

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$1,934,631

Personal Service

From Working Capital Revolving Fund . . . . . 54,960

Total (Not to exceed 58.70 F.T.E.) . . . . . \$1,989,591

**SECTION 9.110.**— To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding the inmate wage and discharge costs at all correctional facilities

Expense and Equipment

From General Revenue Fund . . . . . \$3,757,194

**SECTION 9.115.**— To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding the expenses and small equipment purchased at any of the adult institutions department-wide

Expense and Equipment

From General Revenue Fund . . . . . \$18,360,780

**SECTION 9.125.**— To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding the Jefferson City Correctional Center

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$18,763,259

Personal Service

From Working Capital Revolving Fund . . . . . 192,361

Total (Not to exceed 662.91 F.T.E.) . . . . . \$18,955,620

**SECTION 9.130.**— To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding the Central Missouri Correctional Center at

Jefferson City

Personal Service

From General Revenue Fund (Not to exceed 286.87 F.T.E.) . . . . . \$7,852,694

**SECTION 9.135.**— To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding the Women's Eastern Reception and Diagnostic Center at Vandalia

Personal Service

From General Revenue Fund (Not to exceed 402.00 F.T.E.) . . . . . \$10,755,766

**SECTION 9.140.**— To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding the Ozark Correctional Center at Fordland

Personal Service

From General Revenue Fund . . . . .	\$4,434,205
From Inmate Revolving Fund . . . . .	<u>304,973</u>
Total (Not to exceed 166.39 F.T.E.) . . . . .	\$4,739,178

**SECTION 9.145.**— To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding the Moberly Correctional Center

Personal Service

From General Revenue Fund . . . . .	\$10,625,946
From Working Capital Revolving Fund . . . . .	<u>164,881</u>
Total (Not to exceed 388.52 F.T.E.) . . . . .	\$10,790,827

**SECTION 9.150.**— To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding the Algoa Correctional Center at Jefferson City

Personal Service

From General Revenue Fund (Not to exceed 308.01 F.T.E.) . . . . .	\$8,498,626
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**SECTION 9.155.**— To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding the Missouri Eastern Correctional Center at Pacific

Personal Service

From General Revenue Fund . . . . .	\$6,713,997
From Working Capital Revolving Fund . . . . .	<u>54,960</u>
Total (Not to exceed 242.88 F.T.E.) . . . . .	\$6,768,957

**SECTION 9.160.**— To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding the Chillicothe Correctional Center

Personal Service

From General Revenue Fund . . . . .	\$4,175,398
From Inmate Revolving Fund . . . . .	<u>24,022</u>
Total (Not to exceed 149.49 F.T.E.) . . . . .	\$4,199,420

**SECTION 9.165.**— To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding the Boonville Correctional Center

Personal Service

From General Revenue Fund (Not to exceed 294.86 F.T.E.) . . . . .	\$8,335,631
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**SECTION 9.170.**— To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding the Farmington Correctional Center

Personal Service

From General Revenue Fund (Not to exceed 541.26 F.T.E.) . . . . .	\$14,827,447
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**SECTION 9.175.**— To the Board of Public Buildings

For the purpose of funding payment of rent by the Department of Corrections

(Division of Adult Institutions) to the Board  
 For the Farmington Correctional Center  
 Funds to be used by the Board for Personal Service . . . . . \$1,264,494  
 Funds to be used by the Board for Expense and Equipment . . . . . 175,547  
 From General Revenue Fund (Not to exceed 41.76 F.T.E.) . . . . . \$1,440,041

**SECTION 9.180.**— To the Department of Corrections  
 For the Division of Adult Institutions  
 For the purpose of funding the Regimented Discipline Program  
     Personal Service and/or Expense and Equipment, provided that not more  
     than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund (Not to exceed 19.50 F.T.E.) . . . . . \$659,458

**SECTION 9.185.**— To the Department of Corrections  
 For the Division of Adult Institutions  
 For the purpose of funding the Western Missouri Correctional Center at Cameron  
     Personal Service  
 From General Revenue Fund (Not to exceed 613.54 F.T.E.) . . . . . \$15,490,928

**SECTION 9.190.**— To the Department of Corrections  
 For the Division of Adult Institutions  
 For the purpose of funding the Potosi Correctional Center  
     Personal Service  
 From General Revenue Fund (Not to exceed 332.78 F.T.E.) . . . . . \$9,306,791

**SECTION 9.200.**— To the Department of Corrections  
 For the Division of Adult Institutions  
 For the purpose of funding the Fulton Reception and Diagnostic Center  
     Personal Service  
 From General Revenue Fund (Not to exceed 312.16 F.T.E.) . . . . . \$8,464,337

**SECTION 9.205.**— To the Board of Public Buildings  
 For the purpose of funding payment of rent by the Department of Corrections  
     (Division of Adult Institutions) to the Board  
 For the Fulton Reception and Diagnostic Center  
 Funds to be used by the Board for Personal Service . . . . . \$580,545  
 Funds to be used by the Board for Expense and Equipment . . . . . 48,533  
 From General Revenue Fund (Not to exceed 19.90 F.T.E.) . . . . . \$629,078

**SECTION 9.210.**— To the Department of Corrections  
 For the Division of Adult Institutions  
 For the purpose of funding the Tipton Correctional Center  
     Personal Service  
 From General Revenue Fund . . . . . \$10,204,969  
 From Inmate Revolving Fund . . . . . 77,545  
 Total (Not to exceed 379.64 F.T.E.) . . . . . \$10,282,514

**SECTION 9.215.**— To the Department of Corrections  
 For the Division of Adult Institutions  
 For the purpose of funding the Western Reception and Diagnostic Center  
     at St. Joseph  
     Personal Service

From General Revenue Fund (Not to exceed 591.00 F.T.E.) . . . . . \$15,273,749

**SECTION 9.220.**— To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding the Maryville Treatment Center

Personal Service

From General Revenue Fund (Not to exceed 236.00 F.T.E.) . . . . . \$6,305,394

**SECTION 9.225.**— To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding the Crossroads Correctional Center at Cameron

Personal Service

From General Revenue Fund (Not to exceed 408.00 F.T.E.) . . . . . \$10,392,676

**SECTION 9.230.**— To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding the Northeast Correctional Center at Bowling Green

Personal Service

From General Revenue Fund (Not to exceed 550.00 F.T.E.) . . . . . \$14,302,224

**SECTION 9.235.**— To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding the Eastern Reception and Diagnostic Center

at Bonne Terre

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 822.00 F.T.E.) . . . . . \$22,670,021

**SECTION 9.245.**— To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding the South Central Correctional Center at Licking

Personal Service

From General Revenue Fund (Not to exceed 429.00 F.T.E.) . . . . . \$10,921,553

**SECTION 9.250.**— To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding the Southeast Correctional Center at Charleston

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 446.00 F.T.E.) . . . . . \$11,844,811

**SECTION 9.400.**— To the Department of Corrections

For the Division of Offender Rehabilitative Services

For the purpose of funding the Central Office

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 42.15 F.T.E.) . . . . . \$1,842,691

**SECTION 9.405.**— To the Department of Corrections

For the Division of Offender Rehabilitative Services

For the purpose of funding contractual services for offender physical and  
mental health care

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation	
From General Revenue Fund . . . . .	83,664,226
From Federal Funds . . . . .	<u>1E</u>
Total (Not to exceed 94.00 F.T.E.) . . . . .	\$83,664,227

**SECTION 9.415.** — To the Department of Corrections

For the Division of Offender Rehabilitative Services

For the purpose of funding medical equipment

Expense and Equipment

From General Revenue Fund . . . . .	\$244,000
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**SECTION 9.425.** — To the Department of Corrections

For the Division of Offender Rehabilitative Services

For the purpose of funding the provision of inmate jobs department-wide, including, but not limited to, offender employment, both institutional and industrial, drug and alcohol treatment, and education, both academic and vocational

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . .	\$22,302,979
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Personal Service . . . . .	1,029,553
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Expense and Equipment . . . . .	<u>718,043</u>
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From Working Capital Revolving Fund . . . . .	1,747,596
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Expense and Equipment

From Correctional Substance Abuse Earnings Fund . . . . .	<u>264,600</u>
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Total (Not to exceed 401.00 F.T.E.) . . . . .	\$24,315,175
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**SECTION 9.430.** — To the Department of Corrections

For the Division of Offender Rehabilitative Services

For the purpose of funding Missouri Correctional Enterprises

Personal Service . . . . .	\$7,534,933
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Expense and Equipment . . . . .	<u>25,844,542</u>
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From Working Capital Revolving Fund (Not to exceed 252.00 F.T.E.) . . . . .	\$33,379,475
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**SECTION 9.435.** — To the Department of Corrections

For the Division of Offender Rehabilitative Services

For the purpose of funding the Private Sector/Prison Industry Enhancement Program

Expense and Equipment

From Working Capital Revolving Fund . . . . .	\$962,762
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**SECTION 9.500.** — To the Department of Corrections

For the purpose of funding the Board of Probation and Parole

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . .	\$62,713,413
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From Inmate Revolving Fund . . . . .	<u>183,753</u>
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Total (Not to exceed 1,832.08 F.T.E.) . . . . .	\$62,897,166
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**SECTION 9.505.** — To the Department of Corrections

For the Board of Probation and Parole  
 For the purpose of funding the St. Louis Community Release Center  
     Personal Service  
 From General Revenue Fund (Not to exceed 134.71 F.T.E.) . . . . . \$3,726,154

**SECTION 9.510.**— To the Department of Corrections

For the Board of Probation and Parole  
 For the purpose of funding the Kansas City Community Release Center  
     Personal Service  
 From General Revenue Fund . . . . . \$2,218,092  
 From Inmate Revolving Fund . . . . . 41,782  
 Total (Not to exceed 81.69 F.T.E.) . . . . . \$2,259,874

**SECTION 9.515.**— To the Department of Corrections

For the Board of Probation and Parole  
 For the purpose of funding Local Sentencing Initiatives. Prior to placement of  
     an offender in any sentencing alternative the court will order an assessment  
     by the Division of Probation and Parole to include an evaluation of substance  
     abuse history, risk assessment, and criminal history  
     Expense and Equipment  
 From General Revenue Fund . . . . . \$3,328,500

For the purpose of funding the Community Corrections Coordination Unit  
     Personal Service and/or Expense and Equipment, provided that not more  
     than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund . . . . . \$3,607,606

    Personal Service . . . . . 157,734  
     Expense and Equipment . . . . . 3,052,708  
 From Inmate Revolving Fund . . . . . 3,210,442  
 Total (Not to exceed 17.40 F.T.E.) . . . . . \$10,146,548

**BILL TOTALS**

General Revenue Fund . . . . . \$522,561,102  
 Federal Funds . . . . . 8,972,901  
 Other Funds . . . . . 42,947,609  
 Total . . . . . \$574,481,612

Approved May 30, 2003

HB 10\* [CCS SCS HS HB 10]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS:** DEPARTMENT OF MENTAL HEALTH, BOARD OF PUBLIC BUILDINGS, DEPARTMENT OF HEALTH AND SENIOR SERVICES, MISSOURI HEALTH FACILITIES REVIEW COMMITTEE, AND COMMISSION FOR THE SENIOR RX PROGRAM.

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Missouri Senior Rx Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2003 and ending June 30, 2004, as follows:

**SECTION 10.005.** — To the Department of Mental Health

For the Office of the Director

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation	
From General Revenue Fund . . . . .	\$933,892
Personal Service . . . . .	60,935
Expense and Equipment . . . . .	79,285
From Federal Funds . . . . .	140,220
Total (Not to exceed 17.36 F.T.E.) . . . . .	\$1,074,112

**SECTION 10.010.** — To the Department of Mental Health

For the Office of the Director

For funding program operations and support

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation	
From General Revenue Fund . . . . .	\$6,033,238
Personal Service . . . . .	390,314
Expense and Equipment . . . . .	584,416
From Federal Funds . . . . .	974,730
Total (Not to exceed 131.63 F.T.E.) . . . . .	\$7,007,968

**SECTION 10.015.** — To the Department of Mental Health

For the Office of the Director

For the purpose of funding the Office of Information Systems

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation	
From General Revenue Fund . . . . .	\$6,053,586
Personal Service . . . . .	41,240
Expense and Equipment . . . . .	2,006,691
From Federal Funds . . . . .	2,047,931
Expense and Equipment	
From Mental Health Interagency Payments Fund . . . . .	2,800,000
Total (Not to exceed 77.40 F.T.E.) . . . . .	\$10,901,517

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**SECTION 10.020.**— To the Department of Mental Health

For the Office of the Director

For the purpose of funding insurance, private pay, licensure fee, and/or Medicaid  
refunds by state facilities operated by the Department of Mental Health

From General Revenue Fund (0 F.T.E.) . . . . . \$50,000

For the payment of refunds set off against debts as required by Section 143.786,  
RSMoFrom Debt Offset Escrow Fund . . . . . 70,000ETotal (0 F.T.E.) . . . . . \$120,000**SECTION 10.025.**— There is transferred out of the State Treasury, chargeable  
to the Abandoned Fund, Fifty Thousand Dollars (\$50,000) to the Mental  
Health Trust Fund

From Abandoned Fund (0 F.T.E.) . . . . . \$50,000E

**SECTION 10.030.**— To the Department of Mental Health

For the Office of the Director

For the purpose of funding receipt and disbursement of donations and gifts which  
may become available to the Department of Mental Health during the year  
(excluding federal grants and funds)

Personal Service . . . . . \$736,165

Expense and Equipment . . . . . 1,283,486

From Mental Health Trust Fund (Not to exceed 6.00 F.T.E.) . . . . . \$2,019,651

**SECTION 10.035.**— To the Department of Mental Health

For the Office of the Director

For the purpose of funding operational maintenance and repairs for state-owned  
facilities

Expense and Equipment

From Facilities Maintenance Reserve Fund (0 F.T.E.) . . . . . \$1,197,230

**SECTION 10.040.**— To the Department of Mental Health

For the Office of the Director

For the purpose of funding federal grants which become available between  
sessions of the General Assembly

Personal Service . . . . . \$100,000

Expense and Equipment . . . . . 1,800,000

From Federal Funds (Not to exceed 2.00 F.T.E.) . . . . . \$1,900,000

**SECTION 10.045.**— To the Department of Mental Health

For the Office of the Director

For the purpose of funding work therapy for client workers at state agencies

Personal Service . . . . . \$80,519

Expense and Equipment . . . . . 600

From Mental Health Interagency Payments Fund (Not to exceed 4.00 F.T.E.) . . . . \$81,119

**SECTION 10.050.**— To the Department of Mental Health

For Medicaid payments related to intergovernmental payments

From Mental Health Intergovernmental Transfer Fund . . . . . \$10,000,000

From Federal Funds . . . . . 15,000,000Total (0 F.T.E.) . . . . . \$25,000,000

**SECTION 10.055.**— There is transferred out of the State Treasury, chargeable to the General Revenue Reimbursements Fund, Two Million, Seven Hundred Thousand Dollars (\$2,700,000) to the General Revenue Fund  
 From General Revenue Reimbursements Fund (0 F.T.E.) . . . . . \$2,700,000

**SECTION 10.060.**— There is transferred out of the State Treasury, chargeable to Federal Funds, Nineteen Million, Eight Hundred Eleven Thousand, Eight Hundred Dollars (\$19,811,800) to the General Revenue Fund  
 From Federal Funds (0 F.T.E.) . . . . . \$19,811,800

**SECTION 10.105.**— To the Department of Mental Health  
 For the Division of Alcohol and Drug Abuse  
 For the purpose of funding the administration of statewide comprehensive alcohol and drug abuse prevention and treatment programs  
 Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund . . . . . \$1,289,379

Personal Service . . . . . 859,155  
 Expense and Equipment . . . . . 599,868  
 From Federal Funds . . . . . 1,459,023

Personal Service . . . . . 206,091  
 Expense and Equipment . . . . . 51,204  
 From Health Initiatives Fund . . . . . 257,295

Personal Service . . . . . 89,210  
 Expense and Equipment . . . . . 52,372  
 From Mental Health Earnings Fund . . . . . 141,582

For statewide needs assessments  
 From Federal Funds . . . . . 400,000  
 Total (Not to exceed 59.82 F.T.E.) . . . . . \$3,547,279

**SECTION 10.110.**— To the Department of Mental Health  
 For the Division of Alcohol and Drug Abuse  
 For the purpose of funding prevention and education services  
 Personal Service  
 From General Revenue Fund . . . . . \$7,485

For prevention and education services . . . . . 6,968,264  
 Personal Service . . . . . 229,841  
 Expense and Equipment . . . . . 725,631  
 From Federal Funds . . . . . 7,923,736

For prevention and education services  
 From Healthy Families Trust Fund-Tobacco Prevention Account . . . . . 300,000

For tobacco retailer education  
 Provided that no person under the age of eighteen shall be used as either an employee or a volunteer for the purposes of enforcement of tobacco laws

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Personal Service .....	222,606
Expense and Equipment .....	<u>103,622</u>
From Federal Funds .....	323,228

For the purpose of funding the Kids Beat Program

Expense and Equipment .....	
From Federal Funds .....	119,000

For a state incentive program and a community high-risk youth program

Personal Service .....	178,588
Expense and Equipment .....	<u>3,084,029</u>
From Federal Funds .....	3,262,617

For Community 2000 Team programs

From General Revenue Fund .....	29,997
From Federal Funds .....	2,059,693

For school-based alcohol and drug abuse prevention programs

From General Revenue Fund .....	435,540
From Federal Funds .....	<u>641,195</u>
Total (Not to exceed 16.20 F.T.E.) .....	\$15,105,491

**SECTION 10.115.** — To the Department of Mental Health

For the Division of Alcohol and Drug Abuse

For the purpose of funding the treatment of alcohol and drug abuse

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation	
From General Revenue Fund .....	\$4,354,445

For system enhancement of youth services

Personal Service .....	16,267
Expense and Equipment .....	<u>731,802</u>
From Federal Funds .....	748,069

For treatment of alcohol and drug abuse

From General Revenue Fund .....	14,928,255
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For treatment of alcohol and drug abuse .....

Personal Service .....	44,073,314E
Expense and Equipment .....	668,932
From Federal Funds .....	<u>425,082</u>
	45,167,328

For treatment of alcohol and drug abuse

From Healthy Families Trust Fund-Health Care Account .....	2,077,681
From Health Initiatives Fund .....	<u>5,585,388</u>
Total (Not to exceed 69.13 F.T.E.) .....	\$72,861,166

**SECTION 10.120.** — To the Department of Mental Health

For the Division of Alcohol and Drug Abuse

For the purpose of funding treatment of compulsive gambling .....

Personal Service .....	\$412,798
Expense and Equipment .....	34,996
	<u>5,194</u>

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From Compulsive Gamblers Fund (Not to exceed 1.00 F.T.E.) ..... \$452,988

**SECTION 10.125.**— To the Department of Mental Health

For the Division of Alcohol and Drug Abuse

For the purpose of funding the Substance Abuse Traffic Offender Program

From Federal Funds ..... \$407,458

From Mental Health Earnings Fund ..... 3,570,018E

Total (0 F.T.E.) ..... \$3,977,476

**SECTION 10.205.**— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding division administration

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund ..... \$1,079,343

Personal Service ..... 420,254

Expense and Equipment ..... 174,311

From Federal Funds ..... 594,565

For the minority health and aging program

Expense and Equipment

From Federal Funds ..... 7,000

For suicide prevention initiatives

Expense and Equipment

From Federal Funds ..... 150,000

Total (Not to exceed 33.58 F.T.E.) ..... \$1,830,908

**SECTION 10.210.**— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund ..... \$3,765,964

Personal Service ..... 190,669

Expense and Equipment ..... 2,463,133

From Federal Funds ..... 2,653,802

For the purpose of funding adult community programs provided that up to  
ten percent of this appropriation may be used for services for youth

From General Revenue Fund ..... \$63,937,177

From Federal Funds ..... \$72,786,777E

For adult community programs

From payments by the Department of Social Services for supported  
community living for Comprehensive Psychiatric Services clients  
in lieu of Supplemental Nursing Care payments

From Mental Health Interagency Payments Fund ..... 250,000

For adult community programs

From Health Initiatives Fund ..... 20,624

Total (Not to exceed 12.96 F.T.E.) ..... \$143,414,344

**SECTION 10.220.**— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of reimbursing attorneys, physicians, and counties for

fees in involuntary civil commitment procedures ..... \$950,000E

For distribution through the Office of Administration to counties pursuant

to Section 56.700, RSMo ..... 150,000

From General Revenue Fund (0 F.T.E.) ..... \$1,100,000

**SECTION 10.225.**— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding programs for the homeless mentally ill

From General Revenue Fund ..... \$851,392

For programs for the homeless mentally ill ..... 3,842,992

Expense and Equipment ..... 118,400

From Federal Funds ..... 3,961,392

Total (0 F.T.E.) ..... \$4,812,784

**SECTION 10.230.**— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding forensic support services

Personal Service and/or Expense and Equipment, provided that not more

than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 17.39 F.T.E.) ..... \$755,477

**SECTION 10.235.**— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

Personal Service and/or Expense and Equipment, provided that not more

than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund ..... 2,142,110

Personal Service ..... 165,605

Expense and Equipment ..... 1,168,101

From Federal Funds ..... 1,333,706

For the purpose of funding youth community programs, provided that up to

ten percent of this appropriation may be used for services for adults

From General Revenue Fund ..... 19,612,233

From Federal Funds ..... 17,864,151E

For youth community programs

From Health Initiatives Fund ..... 98,888

Total (Not to exceed 12.07 F.T.E.) ..... \$41,051,088

**SECTION 10.240.**— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding services for children who are clients of the

Department of Social Services

Personal Service ..... \$615,922

Expense and Equipment .....	100,200
From Mental Health Interagency Payments Fund (Not to exceed 18.00 F.T.E.) ..	\$716,122

**SECTION 10.245.**— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding fuel and utility expenses at state facilities operated by the Division of Comprehensive Psychiatric Services, provided that up to three percent of this appropriation may be used for facilities operated by the Division of Mental Retardation and Developmental Disabilities

Expense and Equipment	
From General Revenue Fund (0 F.T.E.) .....	\$5,019,420

**SECTION 10.250.**— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purchase and administration of new medication therapies

Expense and Equipment	
From General Revenue Fund .....	\$9,080,488
From Federal Funds .....	916,243
Total (0 F.T.E.) .....	\$9,996,731

**SECTION 10.255.**— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding costs for forensic clients resulting from loss of benefits under provisions of the Social Security Domestic Employment Reform Act of 1994

Expense and Equipment	
From General Revenue Fund (0 F.T.E.) .....	\$500,000

**SECTION 10.260.**— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding Fulton State Hospital

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation	
From General Revenue Fund .....	\$43,918,347

For the provision of support services to other agencies

Expense and Equipment	
From Mental Health Interagency Payments Fund .....	425,000
Total (Not to exceed 1,355.65 F.T.E.) .....	\$44,343,347

**SECTION 10.265.**— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding Northwest Missouri Psychiatric Rehabilitation Center

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation	
From General Revenue Fund .....	\$12,187,376

Personal Service	
From Federal Funds .....	441,316

For psychiatric services

From Mental Health Trust Fund .....	400,840
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Total (Not to exceed 384.72 F.T.E.) . . . . . \$13,029,532

**SECTION 10.270.**— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding St. Louis Psychiatric Rehabilitation Center

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$19,598,469

Personal Service

From Federal Funds . . . . . 76,945

Total (Not to exceed 611.06 F.T.E.) . . . . . \$19,775,414

**SECTION 10.275.**— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding Southwest Missouri Psychiatric Rehabilitation Center

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 109.17 F.T.E.) . . . . . \$3,582,664

**SECTION 10.280.**— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding Cottonwood Residential Treatment Center

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 83.75 F.T.E.) . . . . . \$2,282,403

**SECTION 10.285.**— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding Hawthorn Children's Psychiatric Hospital

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$6,560,697

Personal Service . . . . . 1,266,912

Expense and Equipment . . . . . 78,684

From Federal Funds . . . . . 1,345,596

Total (Not to exceed 240.72 F.T.E.) . . . . . \$7,906,293

**SECTION 10.290.**— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding Metropolitan St. Louis Psychiatric Center

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$14,038,123

Personal Service

From Federal Funds . . . . . 159,909

Total (Not to exceed 375.13 F.T.E.) . . . . . \$14,198,032

**SECTION 10.295.**— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding Mid-Missouri Mental Health Center  
 Personal Service and/or Expense and Equipment, provided that not more  
 than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund ..... \$7,512,104

Personal Service  
 From Federal Funds ..... 286,076

For services for children and youth  
 Personal Service and/or Expense and Equipment, provided that not more  
 than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund ..... 1,810,996  
 Total (Not to exceed 241.00 F.T.E.) ..... \$9,609,176

**SECTION 10.300.**— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding Southeast Missouri Mental Health Center

Personal Service and/or Expense and Equipment, provided that not more  
 than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund (Not to exceed 543.42 F.T.E.) ..... \$17,215,616

**SECTION 10.305.**— To the Board of Public Buildings

For the Department of Mental Health

For operation and maintenance of the Southeast Missouri Mental Health Center

Expense and Equipment  
 From General Revenue Fund (0 F.T.E.) ..... \$129,322

**SECTION 10.310.**— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding Western Missouri Mental Health Center

Personal Service and/or Expense and Equipment, provided that not more  
 than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund ..... \$20,424,931

For the Western Missouri Mental Health Center and/or contracting for children's  
 services in the Northwest Region

Personal Service and/or Expense and Equipment, provided that not more  
 than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund ..... 972,700

Personal Service ..... 307,979  
 Expense and Equipment ..... 37,891  
 From Federal Funds ..... 345,870  
 Total (Not to exceed 632.17 F.T.E.) ..... \$21,743,501

**SECTION 10.315.**— To the Department of Mental Health

For the purpose of funding the Missouri Sexual Offender Treatment Center

Personal Service and/or Expense and Equipment, provided that not more  
 than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund (Not to exceed 153.94 F.T.E.) ..... \$5,587,053

**SECTION 10.405.**— To the Department of Mental Health

For the Division of Mental Retardation-Developmental Disabilities

For the purpose of funding division administration

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$1,054,451

Personal Service . . . . . 50,922

Expense and Equipment . . . . . 7,195

From Federal Funds . . . . . 58,117

Total (Not to exceed 20.32 F.T.E.) . . . . . \$1,112,568

**SECTION 10.410.**— To the Department of Mental Health

For the Division of Mental Retardation-Developmental Disabilities

Provided that residential services for non-Medicaid eligibles shall not be reduced  
below the prior year expenditure as long as the person is evaluated to need  
the services

For the purpose of funding community programs

From General Revenue Fund . . . . . \$72,667,791

From Federal Funds . . . . . 159,260,657E

From General Revenue Reimbursements Fund . . . . . 4,544,329

For consumer and family directed supports/in-home services/choices for families

From General Revenue Fund . . . . . 17,018,024

For the purpose of funding programs and in-home family directed services  
for persons with autism and their families

From General Revenue Fund . . . . . 2,831,143

For services for children in the custody of the Department of Social Services

From Mental Health Interagency Payments Fund . . . . . 2,049,857

For SB 40 Board tax funds to be used as match for Medicaid initiatives for  
clients of the Division

From Mental Health Trust Fund . . . . . 5,852,732E

Total (0 F.T.E.) . . . . . \$264,224,533

**SECTION 10.415.**— To the Department of Mental Health

For the Division of Mental Retardation-Developmental Disabilities

For the purpose of funding family support loans pursuant to Section 633.185,  
RSMo

From Family Support Loan Fund (0 F.T.E.) . . . . . \$291,305

**SECTION 10.420.**— To the Department of Mental Health

For the Division of Mental Retardation-Developmental Disabilities

For the purpose of funding community support staff

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$2,845,446

Personal Service . . . . . 9,515,970

Expense and Equipment . . . . . 1,224,901

Purchase of Community Services . . . . . 20,448,660E

From Federal Funds . . . . .	31,189,531
Total (Not to exceed 295.31 F.T.E.) . . . . .	\$34,034,977

**SECTION 10.430.**— To the Department of Mental Health  
 For the Division of Mental Retardation-Developmental Disabilities  
 For the purpose of funding developmental disabilities services  
     Personal Service . . . . . \$328,041  
     Expense and Equipment . . . . . 1,187,593  
 From Federal Funds (Not to exceed 7.98 F.T.E.) . . . . . \$1,515,634

**SECTION 10.435.**— To the Department of Mental Health  
 For the Division of Mental Retardation-Developmental Disabilities  
 For the purpose of funding the Albany Regional Center  
     Personal Service and/or Expense and Equipment, provided that not more  
     than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund (Not to exceed 37.45 F.T.E.) . . . . . \$1,423,835

**SECTION 10.440.**— To the Department of Mental Health  
 For the Division of Mental Retardation-Developmental Disabilities  
 For the purpose of funding the Central Missouri Regional Center  
     Personal Service and/or Expense and Equipment, provided that not more  
     than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund (Not to exceed 48.88 F.T.E.) . . . . . \$1,612,381

**SECTION 10.445.**— To the Department of Mental Health  
 For the Division of Mental Retardation-Developmental Disabilities  
 For the purpose of funding the Hannibal Regional Center  
     Personal Service and/or Expense and Equipment, provided that not more  
     than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund (Not to exceed 47.21 F.T.E.) . . . . . \$1,850,250

**SECTION 10.450.**— To the Department of Mental Health  
 For the Division of Mental Retardation-Developmental Disabilities  
 For the purpose of funding the Joplin Regional Center  
     Personal Service and/or Expense and Equipment, provided that not more  
     than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund (Not to exceed 48.56 F.T.E.) . . . . . \$1,892,943

**SECTION 10.455.**— To the Department of Mental Health  
 For the Division of Mental Retardation-Developmental Disabilities  
 For the purpose of funding the Kansas City Regional Center  
     Personal Service and/or Expense and Equipment, provided that not more  
     than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund . . . . . \$2,546,668

Expense and Equipment	
From Federal Funds . . . . .	5,595
Total (Not to exceed 67.93 F.T.E.) . . . . .	\$2,552,263

**SECTION 10.460.**— To the Department of Mental Health  
 For the Division of Mental Retardation-Developmental Disabilities  
 For the purpose of funding the Kirksville Regional Center

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund (Not to exceed 33.55 F.T.E.) . . . . . \$1,306,578

**SECTION 10.465.**— To the Department of Mental Health  
 For the Division of Mental Retardation-Developmental Disabilities  
 For the purpose of funding the Poplar Bluff Regional Center  
 Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund (Not to exceed 39.58 F.T.E.) . . . . . \$1,538,852

**SECTION 10.470.**— To the Department of Mental Health  
 For the Division of Mental Retardation-Developmental Disabilities  
 For the purpose of funding the Rolla Regional Center  
 Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund (Not to exceed 46.88 F.T.E.) . . . . . \$1,602,712

**SECTION 10.475.**— To the Department of Mental Health  
 For the Division of Mental Retardation-Developmental Disabilities  
 For the purpose of funding the Sikeston Regional Center  
 Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund . . . . . \$1,509,710

Expense and Equipment  
 From Federal Funds . . . . . 5,595  
 Total (Not to exceed 40.54 F.T.E.) . . . . . \$1,515,305

**SECTION 10.480.**— To the Department of Mental Health  
 For the Division of Mental Retardation-Developmental Disabilities  
 For the purpose of funding the Springfield Regional Center  
 Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund (Not to exceed 57.23 F.T.E.) . . . . . \$2,179,835

**SECTION 10.485.**— To the Department of Mental Health  
 For the Division of Mental Retardation-Developmental Disabilities  
 For the purpose of funding the St. Louis Regional Center  
 Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund . . . . . \$4,263,947

Expense and Equipment  
 From Federal Funds . . . . . 11,190  
 Total (Not to exceed 124.77 F.T.E.) . . . . . \$4,275,137

**SECTION 10.490.**— To the Department of Mental Health  
 For the Division of Mental Retardation-Developmental Disabilities  
 For the purpose of funding fuel and utility expenses at state facilities operated by the Division of Mental Retardation- Developmental Disabilities, provided that up to three percent of this appropriation may be used for

facilities operated by the Division of Comprehensive Psychiatric Services  
Expense and Equipment  
From General Revenue Fund (0 F.T.E.) . . . . . \$3,075,586

**SECTION 10.495.**— To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding the Bellefontaine Habilitation Center  
Personal Service, Expense and Equipment, and/or purchase of  
community services, provided that not more than fifteen percent  
(15%) flexibility is allowed between each appropriation  
From General Revenue Fund . . . . . \$23,203,218  
From Federal Funds . . . . . 1,818,985  
Total (Not to exceed 963.87 F.T.E.) . . . . . \$25,022,203

**SECTION 10.500.**— To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding the Higginsville Habilitation Center  
Personal Service, Expense and Equipment, and/or purchase of  
community services, provided that not more than fifteen percent  
(15%) flexibility is allowed between each appropriation  
From General Revenue Fund . . . . . \$9,664,850  
From Federal Funds . . . . . 253,082

For Northwest Community Services  
Personal Service, Expense and Equipment, and/or purchase of  
community services, provided that not more than fifteen percent  
(15%) flexibility is allowed between each appropriation  
From General Revenue Fund . . . . . 2,298,857  
From Federal Funds . . . . . 682,177  
Total (Not to exceed 506.51 F.T.E.) . . . . . \$12,898,966

**SECTION 10.505.**— To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding the Marshall Habilitation Center  
Personal Service, Expense and Equipment, and/or purchase of  
community services, provided that not more than fifteen percent  
(15%) flexibility is allowed between each appropriation  
From General Revenue Fund . . . . . \$21,290,588  
From Federal Funds . . . . . 1,993,903  
Total (Not to exceed 935.40 F.T.E.) . . . . . \$23,284,491

**SECTION 10.510.**— To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding Nevada Habilitation Center  
Personal Service, Expense and Equipment, and/or purchase of  
community services, provided that not more than fifteen percent  
(15%) flexibility is allowed between each appropriation  
From General Revenue Fund (Not to exceed 346.25 F.T.E.) . . . . . \$10,094,376

**SECTION 10.515.**— To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding the St. Louis Developmental Disabilities Treatment

Center	
Personal Service, Expense and Equipment, and/or purchase of community services, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation	
From General Revenue Fund . . . . .	\$17,915,044
From Federal Funds . . . . .	<u>1,328,518</u>
Total (Not to exceed 744.96 F.T.E.) . . . . .	\$19,243,562

**SECTION 10.520.**— To the Board of Public Buildings

For the operation and maintenance of St. Louis Developmental Disabilities

Treatment Center improvements

Expense and Equipment

From General Revenue Fund (0 F.T.E.) . . . . .	\$84,861
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**SECTION 10.525.**— To the Department of Mental Health

For the Division of Mental Retardation-Developmental Disabilities

For the purpose of funding Southeast Missouri Residential Services

From General Revenue Fund . . . . .	\$6,083,950
From Federal Funds . . . . .	<u>109,462</u>
Total (Not to exceed 236.24 F.T.E.) . . . . .	\$6,193,412

**SECTION 10.600.**— To the Department of Health and Senior Services

For the Office of the Director

For the purpose of funding program operations and support

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . .	\$2,038,144
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Personal Service . . . . .	2,153,502
Expense and Equipment . . . . .	<u>688,703</u>
From Federal Funds . . . . .	2,842,205

For the Office of Minority Health

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . .	539,630
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Personal Service . . . . .	63,538
Expense and Equipment . . . . .	<u>112,409</u>
From Federal Funds . . . . .	175,947

For Minority Health and Aging

Expense and Equipment and the Purchase of Services

From General Revenue Fund . . . . .	165,707
From Federal Funds . . . . .	<u>106,904</u>
Total (Not to exceed 109.36 F.T.E.) . . . . .	\$5,868,537

**SECTION 10.605.**— To the Department of Health and Senior Services

For the Office of Director

For the purpose of funding the State Public Health Laboratory

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund .....	\$3,584,157
Personal Service .....	1,007,202
Expense and Equipment .....	<u>1,923,737</u>
From Federal Funds .....	2,930,939
Personal Service .....	725,099
Expense and Equipment .....	<u>1,479,300</u>
From Missouri Public Health Services Fund .....	<u>2,204,399</u>
Total (Not to exceed 113.47 F.T.E.) .....	\$8,719,495

**SECTION 10.610.**— To the Department of Health and Senior Services

For the Division of Administration

For the purpose of funding program operations and support

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund .....	\$1,103,619
Personal Service .....	1,906,279
Expense and Equipment .....	<u>3,968,779</u>
From Federal Funds .....	5,875,058

Expense and Equipment

From Nursing Facility Quality of Care Fund .....	9,723
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Personal Service .....	118,047
Expense and Equipment .....	<u>419,280</u>
From Missouri Public Health Services Fund .....	537,327

Expense and Equipment

From Health Access Incentive Fund .....	7,000
From Department of Health Document Services Fund .....	225,000
From Workers' Compensation Fund .....	<u>8,000</u>
Total (Not to exceed 77.12 F.T.E.) .....	\$7,765,727

**SECTION 10.615.**— To the Department of Health and Senior Services

For the Office of Director

For the purpose of funding federal grants which may become available between  
sessions of the General Assembly

Personal Service .....	\$300,000
Expense and Equipment .....	<u>3,000,002</u>
From Federal Funds .....	3,300,002

For the purpose of funding receipt and disbursement of donations, gifts, and  
grants which may become available to the department during the year,  
excluding federal grants and funds

Personal Service .....	250,000
Expense and Equipment .....	<u>2,246,604</u>
From Department of Health Donated Fund .....	<u>2,496,604</u>
Total (0 F.T.E.) .....	\$5,796,606

**SECTION 10.620.**— To the Department of Health and Senior Services

For the Office of Director  
 For the purpose of funding preventive health services under the provisions of  
 the Preventive Health Services Block Grant  
 From Federal Funds (0 F.T.E.) . . . . . \$1,530,110

**SECTION 10.625.**— To the Department of Health and Senior Services  
 For the Division of Administration  
 For the purpose of funding the payment of refunds set off against debts in  
 accordance with Section 143.786, RSMo  
 From Debt Offset Escrow Fund (0 F.T.E.) . . . . . \$50,000E

**SECTION 10.630.**— There is transferred out of the State Treasury, chargeable  
 to the Health Initiatives Fund, Three Million, Two Hundred Forty-One  
 Thousand, Three Dollars (\$3,241,003) to the Health Access Incentive Fund  
 From Health Initiatives Fund (0 F.T.E.) . . . . . \$3,241,003

**SECTION 10.635.**— To the Department of Health and Senior Services  
 For the purpose of funding the Center for Health Information and Evaluation  
 For the purpose of funding program operations and support  
 Personal Service and/or Expense and Equipment, provided that not more  
 than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund . . . . . \$2,345,816

Personal Service . . . . . 3,490,175  
 Expense and Equipment . . . . . 5,552,528  
 From Federal Funds . . . . . 9,042,703

Expense and Equipment  
 From Missouri Public Health Services Fund . . . . . 50,000

Personal Service . . . . . 225,012  
 Expense and Equipment . . . . . 365,000  
 From Department of Health Document Services Fund . . . . . 590,012

Personal Service . . . . . 114,163  
 Expense and Equipment . . . . . 18,000  
 From Workers' Compensation Fund . . . . . 132,163

Personal Service . . . . . 158,778  
 Expense and Equipment . . . . . 481,059  
 From Department of Health Donated Fund . . . . . 639,837  
 Total (Not to exceed 142.13 F.T.E.) . . . . . \$12,800,531

**SECTION 10.640.**— To the Department of Health and Senior Services  
 For the Center for Health Information and Evaluation  
 For the purpose of paying the fees of local registrars of vital records in  
 accordance with Section 193.305, RSMo  
 From General Revenue Fund (0 F.T.E.) . . . . . \$155,000

**SECTION 10.645.**— To the Department of Health and Senior Services  
 For the Center for Local Public Health Services  
 For the purpose of funding program operations and support

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund .....	\$389,453
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Personal Service .....	89,761
Expense and Equipment .....	<u>10,692</u>
From Federal Funds .....	100,453

Personal Service .....	90,201
Expense and Equipment .....	<u>162,097</u>
From Department of Health Donated Fund .....	<u>252,298</u>
Total (Not to exceed 13.00 F.T.E.) .....	\$742,204

**SECTION 10.650.**— To the Department of Health and Senior Services

For the Center for Local Public Health Services

For the purpose of funding core public health functions and related expenses

From General Revenue Fund (0 F.T.E.) .....	\$9,027,772
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**SECTION 10.655.**— To the Department of Health and Senior Services

For the Center for Emergency Response and Terrorism

Personal Service .....	\$3,283,299
Expense and Equipment and Program Distribution .....	<u>26,080,567</u>
From Federal Funds (Not to exceed 61.60 F.T.E.) .....	\$29,363,866

**SECTION 10.660.**— To the Department of Health and Senior Services

For the Center for Health Improvement

For the purpose of funding program operations and support

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund .....	\$451,838
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Personal Service .....	731,590
Expense and Equipment .....	<u>588,633</u>
From Federal Funds .....	1,320,223

Personal Service .....	
From Health Access Incentive Fund .....	82,820

Personal Service .....	63,335
Expense and Equipment .....	<u>22,500</u>
From Professional and Practical Nursing Student Loan and Nurse Loan Repayment Fund .....	85,835

For the Primary Care Resource Initiative Program (PRIMO)

From Health Access Incentive Fund .....	3,027,000
From Department of Health Donated Fund .....	<u>850,000</u>
Total (Not to exceed 30.85 F.T.E.) .....	\$5,817,716

**SECTION 10.665.**— To the Department of Health and Senior Services

For the Center for Health Improvement

For the Financial Aid to Medical Students and Medical School Loan Repayment

Programs in accordance with Chapter 191, RSMo

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From Federal Funds . . . . .	\$214,446
From Medical School Loan Repayment Fund . . . . .	<u>50,000</u>
Total (0 F.T.E.) . . . . .	\$264,446

**SECTION 10.670.**— To the Department of Health and Senior Services

For the Center for Health Improvement

For the purpose of funding the Nurse Loan and Nurse Loan Repayment Programs  
in accordance with Chapter 335, RSMo

From Federal Funds . . . . .	\$60,000
From Professional and Practical Nursing Student Loan and Nurse Loan Repayment Fund . . . . .	<u>450,000</u>
Total (0 F.T.E.) . . . . .	\$510,000

**SECTION 10.675.**— To the Department of Health and Senior Services

For the Division of Environmental Health and Communicable Disease Prevention

For the purpose of funding program operations and support

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . .	\$4,870,137
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Personal Service . . . . .	4,210,627
Expense and Equipment . . . . .	<u>14,052,229</u>
From Federal Funds . . . . .	18,262,856

Personal Service . . . . .	170,877
Expense and Equipment . . . . .	<u>70,532</u>
From Hazardous Waste Remedial Fund . . . . .	241,409

Personal Service . . . . .	81,251
Expense and Equipment . . . . .	<u>235,050</u>
From Missouri Public Health Services Fund . . . . .	316,301

For the Lead Abatement Loan Program

From Missouri Lead Abatement Loan Fund . . . . .	276,000
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For the purpose of funding medications

From General Revenue Fund . . . . .	2,120,896
From Federal Funds . . . . .	<u>9,213,055</u>
Total (Not to exceed 192.40 F.T.E.) . . . . .	\$35,300,654

**SECTION 10.680.**— To the Department of Health and Senior Services

For the Division of Maternal, Child and Family Health

For the purpose of funding program operations and support

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . .	\$2,003,779
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Personal Service . . . . .	3,123,977
Expense and Equipment . . . . .	<u>3,427,286</u>
From Federal Funds . . . . .	6,551,263

Personal Service

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From Health Initiatives Fund .....	40,309
Total (Not to exceed 145.23 F.T.E.) .....	<u>\$8,595,351</u>

**SECTION 10.685.**— To the Department of Health and Senior Services  
 For the Division of Maternal, Child and Family Health  
 For sexual assault prevention education and victim services  
 From Federal Funds (0 F.T.E.) ..... \$889,134

**SECTION 10.690.**— To the Department of Health and Senior Services  
 For the Division of Maternal, Child and Family Health  
 For the purpose of funding maternal and child health services, including rape  
     medical examinations, Sudden Infant Death Syndrome (SIDS) payments,  
     and maternal and child health services from sources other than the  
     Maternal and Child Health Block Grant  
 From General Revenue Fund (0 F.T.E.) ..... \$786,334

**SECTION 10.695.**— To the Department of Health and Senior Services  
 For the Division of Maternal, Child and Family Health  
 For the purpose of funding maternal and child health services under the  
     provisions of the Maternal and Child Health Block Grant  
 From Federal Funds (0 F.T.E.) ..... \$8,049,819

**SECTION 10.700.**— To the Department of Health and Senior Services  
 For the Division of Maternal, Child and Family Health  
 For the purpose of funding school-aged children's health services and related  
     expenses  
 From Health Initiatives Fund (0 F.T.E.) ..... \$5,366,564

**SECTION 10.705.**— To the Department of Health and Senior Services  
 For the Division of Maternal, Child and Family Health  
 For the purpose of funding children with special health care needs and  
     related expenses  
 From General Revenue Fund ..... \$1,051,772  
 From Federal Funds ..... 756,191  
 From Crippled Children's Service Fund ..... 275,000  
 From Smith Memorial Endowment Fund ..... 35,000  
 From Department of Health Interagency Payments Fund ..... 520,527  
 Total (0 F.T.E.) ..... \$2,638,490

**SECTION 10.710.**— To the Department of Health and Senior Services  
 For the Division of Maternal, Child and Family Health  
 For the purpose of funding head injury community rehabilitation and support  
     services  
 From General Revenue Fund ..... \$1,448,498  
 From Federal Funds ..... 250,000  
 Total (0 F.T.E.) ..... \$1,698,498

**SECTION 10.715.**— To the Department of Health and Senior Services  
 For the Division of Maternal, Child and Family Health  
 For the purpose of funding genetic services  
 From General Revenue Fund ..... \$1,586,216  
 From Federal Funds ..... 260,000

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Total (0 F.T.E.) . . . . . \$1,846,216

**SECTION 10.720.**— To the Department of Health and Senior Services

For the Division of Maternal, Child and Family Health

For the purpose of funding blindness education, screening, and treatment services

From Blindness Education, Screening, and Treatment Fund (0 F.T.E.) . . . . . \$250,000

**SECTION 10.735.**— To the Department of Health and Senior Services

For the Division of Nutritional Health and Services

For the purpose of funding program operations and support

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$300,731

Personal Service . . . . . 2,838,907

Expense and Equipment . . . . . 4,233,810

From Federal Funds . . . . . 7,072,717

Total (Not to exceed 86.15 F.T.E.) . . . . . \$7,373,448

**SECTION 10.740.**— To the Department of Health and Senior Services

For the Division of Nutritional Health and Services

For the purpose of funding Women, Infants and Children (WIC) Supplemental

Nutrition program distributions and related expenses

From General Revenue Fund . . . . . \$54,126

From Federal Funds . . . . . 95,470,273

From Department of Health Donated Fund . . . . . 145,714

Total (0 F.T.E.) . . . . . \$95,670,113

**SECTION 10.745.**— To the Department of Health and Senior Services

For the Division of Nutritional Health and Services

For the purpose of funding the Child and Adult Care Food Program

From Federal Funds (0 F.T.E.) . . . . . \$39,256,964E

**SECTION 10.750.**— To the Department of Health and Senior Services

For the Division of Nutritional Health and Services

For the purpose of funding the Summer Food Service Program

From Federal Funds (0 F.T.E.) . . . . . \$7,163,879

**SECTION 10.755.**— To the Department of Health and Senior Services

For the Division of Chronic Disease Prevention and Health Promotion

For the purpose of funding program operations and support

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$1,456,729

Personal Service . . . . . 2,571,878

Expense and Equipment . . . . . 6,423,438

From Federal Funds . . . . . 8,995,316

Personal Service . . . . . 102,472

Expense and Equipment . . . . . 255,010

From Organ Donation Fund . . . . . 357,482

Total (Not to exceed 86.09 F.T.E.) ..... \$10,809,527

**SECTION 10.760.**— To the Department of Health and Senior Services

For the Division of Health Standards and Licensure

For the purpose of funding program operations and support

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund ..... \$10,555,770

Personal Service ..... 9,979,177

Expense and Equipment ..... 3,295,978

From Federal Funds ..... 13,275,155

Personal Service ..... 1,096,808

Expense and Equipment ..... 2,266,726

From Nursing Facility Quality of Care Fund ..... 3,363,534

Personal Service ..... 63,012

Expense and Equipment ..... 13,650

From Health Access Incentive Fund ..... 76,662

Personal Service ..... 52,202

Expense and Equipment ..... 18,200

From Mammography Fund ..... 70,402

Personal Service ..... 181,418

Expense and Equipment ..... 81,840

From Early Childhood Development, Education and Care Fund ..... 263,258

Personal Service ..... 58,005

Expense and Equipment ..... 49,469

From Missouri Public Health Services Fund ..... 107,474

For the purpose of funding a diet pill education program

From Department of Health Donated Fund ..... 130,000

Total (Not to exceed 556.66 F.T.E.) ..... \$27,842,255

**SECTION 10.765.**— To the Department of Health and Senior Services

For the Division of Health Standards and Licensing

For the purpose of funding activities to improve the quality of childcare,

increase the availability of early childhood development programs, before-

and after-school care, and in-home services for families with newborn

children, and for general administration of the program in accordance with

Section 313.835, RSMo

From Federal Funds ..... \$2,830,313

From Early Childhood Development, Education and Care Fund ..... 728,740

Total (0 F.T.E.) ..... \$3,559,053

**SECTION 10.770.**— To the Department of Health and Senior Services

For the Division of Senior Services

For the purpose of funding Home and Community Services personnel

Personal Service and/or Expense and Equipment, provided that not more

than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . .	\$7,993,749
Personal Service . . . . .	8,480,215
Expense and Equipment . . . . .	886,245
From Federal Funds . . . . .	<u>9,366,460</u>
Total (Not to exceed 514.86 F.T.E.) . . . . .	\$17,360,209

**SECTION 10.775.**— To the Department of Health and Senior Services

For the Division of Senior Services

For the purpose of funding Home and Community Services programs

From General Revenue Fund (0 F.T.E.) . . . . .	\$16,044,376
From Federal Funds . . . . .	2,787,597
From Division of Aging Donations Fund . . . . .	<u>50,000</u>
Total (0 F.T.E.) . . . . .	\$18,881,973

**SECTION 10.780.**— To the Department of Health and Senior Services

For the Division of Senior Services

For the purpose of funding Home and Community Services grants; provided, however, that funds appropriated herein for home-delivered meals, distributed according to formula to the area agencies and which may, for whatever reason, not be expended shall be redistributed based upon need and ability to spend. The Area Agencies on Aging shall comply with all reporting requirements requested by the department and shall conduct public hearings on their spending plans and other operations as shall be required by the department

From General Revenue Fund . . . . .	\$9,465,869
From Federal Funds . . . . .	31,124,416
From Division of Aging Elderly Home Delivered Meals Trust Fund . . . . .	<u>430,000</u>
Total (0 F.T.E.) . . . . .	\$41,020,285

**SECTION 10.785.**— To the Department of Health and Senior Services

For the Division of Senior Services

For the distributions to Area Agencies on Aging pursuant to the Older

Americans Act and related programs

From General Revenue Fund (0 F.T.E.) . . . . .	\$1,866,115
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**SECTION 10.790.**— To the Department of Health and Senior Services

For the Commission for the Missouri Senior Rx Program

For the Missouri Senior Rx Program . . . . .	\$22,779,247
Personal Service . . . . .	641,712
Expense and Equipment . . . . .	2,745,024

If the enrollment fee collections exceed the originally projected enrollment revenue, the Commission shall be authorized to spend from such collections to cover the cost of third party administration

Expense and Equipment . . . . .	<u>1,500,000</u>
From the Missouri Senior Rx Fund (Not to exceed 17.00 F.T.E.) . . . . .	\$27,665,983

**SECTION 10.795.**— There is transferred out of the State Treasury, chargeable to the Healthy Families Trust Fund-Senior Catastrophic Prescription Account, Sixteen Million, Four Hundred Eighty-Seven Thousand, Two Hundred Eighty-Eight Dollars (\$16,487,288) to the Missouri

Senior Rx Fund  
 From Healthy Families Trust Fund-Senior Catastrophic Prescription Account  
 (0 F.T.E.) . . . . . \$16,487,288

**SECTION 10.800.**— To the Department of Health and Senior Services  
 For the Missouri Health Facilities Review Committee  
 For the purpose of funding program operations and support  
     Personal Service and/or Expense and Equipment, provided that not more  
     than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund (Not to exceed 3.50 F.T.E.) . . . . . \$192,928

#### **BILL TOTALS**

General Revenue Fund . . . . .	\$591,235,279
Federal Funds . . . . .	702,271,286
Other Funds . . . . .	87,501,171
Total . . . . .	<u>\$1,381,007,736</u>

\*This bill reduces services to our most vulnerable citizens. Under this bill, treatment and services for 3,200 mentally-ill adults, 800 emotionally-disordered children, and 5,800 persons with a developmental disability will be reduced or eliminated. Substance abuse and treatment services will also be reduced or eliminated for 7,200 Missourians. In addition, it eliminates women's health services, which are often the only primary health care services provided to over 30,000 low-income women. We cannot pretend that the need to serve and protect these citizens has disappeared merely because the dollars that fill the need have been cut.

BOB HOLDEN, Governor

DISAPPROVED May 30, 2003

HB 11\* [CCS SCS HS HB 11]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

#### **APPROPRIATIONS: DEPARTMENT OF SOCIAL SERVICES.**

AN ACT to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2003 and ending June 30, 2004 as follows:

**SECTION 11.005.**— To the Department of Social Services

For the Office of the Director

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$507,610

Personal Service . . . . . 12,133

Expense and Equipment . . . . . 1,500

From Federal Funds . . . . . 13,633

Personal Service . . . . . 41,764

Expense and Equipment . . . . . 17,300

From Child Support Collections Fund . . . . . 59,064

Total (Not to exceed 9.38 F.T.E.) . . . . . \$580,307

**SECTION 11.010.**— To the Department of Social Services

For the Office of the Director

For the purpose of funding contractual services with Legal Services Corporations in Missouri which provide legal services to low-income Missouri citizens.

Funds shall be allocated according to the most recent national census data for the population of poor persons living in Missouri and in the same manner as current allocation from the Legal Services Corporation. Funding shall not be allocated if the provisions of Section 504(a)(7) and Section 508(b)(2)(B) of the Omnibus 1996 Appropriations Bill have not been met by the Legal Services Corporation. Contracts for services should provide low-income Missouri citizens equal access to the civil justice system, with high priority on families and children, domestic violence, the elderly, and qualification for benefits under the Social Security Act and the Work Opportunity Reconciliation Act of 1996. Contractors shall provide to the department a report of services rendered, including the number of low-income citizens served, the types of services provided, the cost per case, and the amount of free and reduced-fee legal services which have been provided; and shall include a full accounting of all expenditures made by or on behalf of Legal Services Corporations in Missouri which shall include expenditures of all federal, state, and other funds. An accounting shall be made for the first six months from July 1, 2003 through December 31, 2003 and a final accounting for the year through June 30, 2004, and these reports shall include a comparison with all expenditures for Fiscal Year 2003. The accountings shall be delivered to the General Assembly, including the House Budget Committee Chair, the House Appropriations Committee Social Services Chair, the Senate Appropriations Committee Chair, and also to all current House Appropriations Committee Social Services members, no later than January 31, 2004, and July 31, 2004 respectively

From Legal Services for Low-Income People Fund . . . . . \$5,290,610E

**SECTION 11.015.**— There is transferred out of the State Treasury, chargeable to the Basic Civil Legal Services Fund, Five Million, Two Hundred Ninety Thousand, Six Hundred Ten Dollars (\$5,290,610) to the Legal Services for Low-Income People Fund

From Basic Civil Legal Services Fund . . . . . \$5,290,610E

**SECTION 11.020.**— To the Department of Social Services

For the Office of the Director  
 For the purpose of receiving and expending donations and federal funds  
     provided that the General Assembly shall be notified of the source of any  
     new funds and the purpose for which they shall be expended, in writing,  
     prior to the use of said funds  
 From Federal and Other Funds . . . . . \$12,429,000

**SECTION 11.025.**— To the Department of Social Services

For Administrative Services  
 For the Division of General Services  
 For the purpose of funding operating maintenance and repair  
 From Facilities Maintenance Reserve Fund . . . . . \$30,708  
 From Federal Funds . . . . . 10,138

For the Division of Youth Services  
 For the purpose of funding operating maintenance and repair  
 From Facilities Maintenance Reserve Fund . . . . . 78,794  
 From Federal Funds . . . . . 138,243  
 Total . . . . . \$257,883

**SECTION 11.030.**— To the Department of Social Services

For the Office of Director  
 For the Human Resources Center  
     Personal Service and/or Expense and Equipment, provided that not more  
     than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund . . . . . \$379,279  
  
     Personal Service . . . . . 190,653  
     Expense and Equipment . . . . . 41,089  
 From Federal Funds . . . . . 231,742  
 Total (Not to exceed 16.27 F.T.E.) . . . . . \$611,021

**SECTION 11.035.**— To the Department of Social Services

For Administrative Services  
 For the Division of Budget and Finance  
     Personal Service and/or Expense and Equipment, provided that not more  
     than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund . . . . . \$1,695,241  
  
     Personal Service . . . . . 422,380  
     Expense and Equipment . . . . . 116,518  
 From Federal Funds . . . . . 538,898  
 Total (Not to exceed 64.14 F.T.E.) . . . . . \$2,234,139

**SECTION 11.040.**— To the Department of Social Services

For Administrative Services  
 For the Division of Budget and Finance  
 For the payment of fees to contractors who engage in revenue maximization  
     projects on behalf of the Department of Social Services  
 From Federal Funds . . . . . \$1,000,000E

**SECTION 11.045.**— To the Department of Social Services

For Administrative Services  
 For the Division of Budget and Finance  
 For the purpose of funding the receipt and disbursement of refunds and  
     incorrectly deposited receipts to allow the over-collection of accounts  
     receivables to be paid back to the recipient  
 From Federal and Other Funds . . . . . \$2,500,000E

**SECTION 11.050.**— To the Department of Social Services

For Administrative Services  
 For the Division of Budget and Finance  
 For the purpose of funding payments to counties toward the care and  
     maintenance of each delinquent or dependent child as provided in  
     Chapter 211.156, RSMo  
 From General Revenue Fund . . . . . \$3,192,000

**SECTION 11.055.**— To the Department of Social Services

For the Information Services and Technology Division  
     Personal Service and/or Expense and Equipment, provided that not more  
     than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund . . . . . \$5,204,830

    Personal Service . . . . . 4,540,503  
     Expense and Equipment . . . . . 25,547,990  
 From Federal Funds . . . . . 30,088,493

    Personal Service . . . . . 241,055  
     Expense and Equipment . . . . . 2,779,477  
 From Child Support Enforcement Collections Fund . . . . . 3,020,532

    Personal Service . . . . . 36,524  
     Expense and Equipment . . . . . 403,289  
 From Administrative Trust Fund . . . . . 439,813

    Expense and Equipment  
 From Education Improvement Fund . . . . . 127,238

    Personal Service . . . . . 7,331  
     Expense and Equipment . . . . . 43,271  
 From Third Party Liability Collections Fund . . . . . 50,602  
 Total (Not to exceed 174.62 F.T.E.) . . . . . \$38,931,508

**SECTION 11.060.**— To the Department of Social Services

For Administrative Services  
 For the purpose of funding the Division of General Services  
     Personal Service and/or Expense and Equipment, provided that not more  
     than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund . . . . . \$1,880,842

    Personal Service . . . . . 242,488  
     Expense and Equipment . . . . . 83,672  
 From Federal Funds . . . . . 326,160

Personal Service  
From Child Support Enforcement Fund . . . . . 95,627

For the purpose of funding the centralized inventory system

Expense and Equipment  
From Administrative Trust Fund . . . . . 5,750,000  
Total (Not to exceed 72.61 F.T.E.) . . . . . \$8,052,629

**SECTION 11.065.**— To the Department of Social Services

For Administrative Services

For the purpose of funding the Division of Legal Services

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation  
From General Revenue Fund . . . . . \$2,095,591

Personal Service . . . . . 2,823,231  
Expense and Equipment . . . . . 779,092  
From Federal Funds . . . . . 3,602,323

Personal Service . . . . . 488,298  
Expense and Equipment . . . . . 318,163  
From Third Party Liability Collections Fund . . . . . 806,461

Personal Service  
From Child Support Enforcement Fund . . . . . 147,745  
Total (Not to exceed 149.74 F.T.E.) . . . . . \$6,652,120

**SECTION 11.100.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding division administration, provided that this appropriation

may be used to support the administration of the Children's Division

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation  
From General Revenue Fund . . . . . \$1,556,451

Personal Service . . . . . 6,068,410  
Expense and Equipment . . . . . 6,363,452  
From Federal Funds . . . . . 12,431,862

Expense and Equipment  
From Third Party Liability Collections Fund . . . . . 134,577

Personal Service . . . . . 1,346,002  
Expense and Equipment . . . . . 134,847  
From Child Support Enforcement Collections Fund . . . . . 1,480,849

Expense and Equipment  
From Administrative Trust Fund . . . . . 39,690

Expense and Equipment  
From Blind Pension Fund . . . . . 62,417  
Total (Not to exceed 236.82 F.T.E.) . . . . . \$15,705,846

**SECTION 11.105.**— To the Department of Social Services

For the Family Support Division

For the income maintenance field staff and operations, provided that this appropriation may be used to support Children's Division Field Staff and Operations

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$28,318,304

Personal Service . . . . . 60,733,837

Expense and Equipment . . . . . 4,418,682

From Federal Funds . . . . . 65,152,519

Personal Service . . . . . 675,041

Expense and Equipment . . . . . 28,749From Health Initiatives Fund . . . . . 703,790

Total (Not to exceed 3,064.20 F.T.E.) . . . . . \$94,174,613

**SECTION 11.110.**— To the Department of Social Services

For the Family Support Division

For the income maintenance staff training, provided that this appropriation may be used to support Children's Division staff training

From General Revenue Fund . . . . . \$545,999

From Federal Funds . . . . . 164,591

Total . . . . . \$710,590

**SECTION 11.115.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding the electronic benefit transfers (EBT) system to reduce fraud, waste, and abuse

Expense and Equipment

From General Revenue Fund . . . . . \$3,259,735

From Federal Funds . . . . . 2,564,886

Total . . . . . \$5,824,621

**SECTION 11.120.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding the receipt of funds from the Polk County and Bolivar Charitable Trust for the exclusive benefit and use of the Polk County Office

From Charitable Trust Account . . . . . \$10,000

**SECTION 11.125.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding contractor, hardware, and other costs associated with planning, development, and implementation of a Family Assistance Management Information System (FAMIS)

From General Revenue Fund . . . . . \$2,451,822

From Federal Funds . . . . . 3,789,073

Total . . . . . \$6,240,895

**SECTION 11.130.**— To the Department of Social Services

For the Family Support Division	
For the purpose of funding Community Partnerships	
Personal Service	
From General Revenue Fund . . . . .	\$161,956
For grants and contracts to Community Partnerships and other community initiatives and related expenses	
From General Revenue Fund . . . . .	1,000,000
From Federal Funds . . . . .	7,483,799
For Missouri Mentoring Partnership	
From General Revenue Fund . . . . .	695,715
From Federal Funds . . . . .	778,143
Total (Not to exceed 5.38 F.T.E.) . . . . .	\$10,119,613

**SECTION 11.135.**— To the Department of Social Services

For the Family Support Division	
For the purpose of funding Food Stamp work training-related expenses	
From General Revenue Fund . . . . .	\$82,000
From Federal Funds . . . . .	5,300,000
Total . . . . .	\$5,382,000

**SECTION 11.140.**— To the Department of Social Services

For the Family Support Division	
For the purpose of funding the payment of Temporary Assistance for Needy Families benefits	
From General Revenue Fund . . . . .	\$17,287,706
From Federal Funds . . . . .	118,545,760E
Total . . . . .	\$135,833,466

**SECTION 11.145.**— To the Department of Social Services

For the Family Support Division	
For the purpose of funding Grandparent Foster Care	
From General Revenue Fund . . . . .	\$2,403,070

**SECTION 11.150.**— To the Department of Social Services

For the Family Support Division	
For the purpose of funding supplemental payments to aged or disabled persons	
From General Revenue Fund . . . . .	\$210,000

**SECTION 11.155.**— To the Department of Social Services

For the Family Support Division	
For the purpose of funding nursing care payments to aged, blind, or disabled persons, provided a portion of this appropriation may be transferred to the Department of Mental Health for persons removed from the Supplemental Nursing Care Program and placed in the Supported Housing Program, resulting in a reduction of Department of Mental Health supplemental nursing home clients and for personal funds to recipients of Supplemental Nursing Care payments as required by Section 208.030, RSMo	
From General Revenue Fund . . . . .	\$25,538,684

**SECTION 11.160.**— To the Department of Social Services

For the Family Support Division  
For the purpose of funding receipt and disbursement of Supplemental Security  
Income Program payments and funding General Relief benefits payable for  
periods prior to July 1, 2003. Funds appropriated in this section shall not  
provide for General Relief cash benefits for periods after June 30, 2003  
From Federal Funds . . . . . \$4,000,000

**SECTION 11.165.**— To the Department of Social Services  
For the Family Support Division  
For the purpose of funding Blind Pension and supplemental payments to  
blind persons  
From Blind Pension Fund . . . . . \$20,580,572

**SECTION 11.170.**— To the Department of Social Services  
For the Family Support Division  
For the purpose of funding benefits and services as provided by the Indochina  
Migration and Refugee Assistance Act of 1975 as amended  
From Federal Funds . . . . . \$3,812,553

**SECTION 11.175.**— To the Department of Social Services  
For the Family Support Division  
For the purpose of funding community services programs provided by Community  
Action Agencies, including programs to assist the homeless, under the  
provisions of the Community Services Block Grant  
From Federal Funds . . . . . \$19,144,171

**SECTION 11.180.**— To the Department of Social Services  
For the Family Support Division  
For the purpose of funding grants for local initiatives to assist the homeless  
From Federal Funds . . . . . \$500,000

**SECTION 11.185.**— To the Department of Social Services  
For the Family Support Division  
For the purpose of funding the Emergency Shelter Grant Program  
From Federal Funds . . . . . \$1,340,000

**SECTION 11.190.**— To the Department of Social Services  
For the Family Support Division  
For the purpose of funding the Surplus Food Distribution Program and the  
receipt and disbursement of Donated Commodities Program payments  
From Federal Funds . . . . . \$1,000,000

**SECTION 11.195.**— To the Department of Social Services  
For the Family Support Division  
For the purpose of funding the Low-Income Home Energy Assistance Program  
From Federal Funds . . . . . \$40,794,695E

**SECTION 11.200.**— To the Department of Social Services  
For the Family Support Division  
For the purpose of funding administration of blind services  
Personal Service . . . . . \$3,093,020  
Expense and Equipment . . . . . 893,411

From Federal Funds .....	3,986,431
Personal Service .....	854,016
Expense and Equipment .....	210,637
From Blind Pension Funds .....	1,064,653
Total (Not to exceed 129.53 F.T.E.) .....	\$5,051,084

**SECTION 11.205.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding services for the visually impaired

From Federal Funds .....	\$5,085,000
From Blind Pension Fund .....	1,549,935
From Donated Funds .....	100,000
Total .....	\$6,734,935

**SECTION 11.210.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding Child Support Enforcement Field Staff and Operations

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund .....	\$540,653
Personal Service .....	22,917,908
Expense and Equipment .....	7,528,116
From Federal Funds .....	30,446,024

Personal Service .....	5,911,198
Expense and Equipment .....	2,029,481
From Child Support Enforcement Collections Fund .....	7,940,679
Total (Not to exceed 1,080.62 F.T.E.) .....	\$38,927,356

**SECTION 11.215.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding payments to private agencies collecting child support orders and arrearages

From Child Support Enforcement Collections Fund .....	\$510,000
From Federal Funds .....	990,000
Total .....	\$1,500,000

**SECTION 11.220.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding contractual agreements with local governments in certain paternity establishment and child support enforcement cases

From Child Support Enforcement Collections Fund .....	\$653,000
From Federal Funds .....	1,270,000
Total .....	\$1,923,000

**SECTION 11.225.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding reimbursement to counties and the City of St. Louis providing child support enforcement services

From Federal Funds .....	\$8,200,000E
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**SECTION 11.230.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding payment to the federal government for  
 reimbursement of federal Temporary Assistance for Needy Families  
 payments, incentive payments to local governments and other states,  
 refunds of bonds, refunds of support payments or overpayments,  
 and distributions to families

From Federal Funds	\$36,000,000E
From Alternative Care Trust Fund	167,000
From Debt Offset Escrow Fund	<u>9,000,000E</u>
Total	\$45,167,000

**SECTION 11.235.**— To the Department of Social Services

For the Children's Division

For division administration provided this appropriation may be used to support  
 administration of the Family Support Division

Personal Service and/or Expense and Equipment, provided that not more  
 than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund	\$1,030,758
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Personal Service	3,227,622
Expense and Equipment	<u>2,837,427</u>
From Federal Funds	6,065,049

Personal Service	40,716
Expense and Equipment	<u>11,856</u>
From Early Childhood Trust Fund	52,572

Expense and Equipment	
From Third Party Liability Collections Fund	<u>163,323</u>
Total (Not to exceed 116.89 F.T.E.)	\$7,311,702

**SECTION 11.240.**— To the Department of Social Services

For the Children's Division

For the Children's Field Staff and Operations, provided that this appropriation  
 may be used to support Family Support Division Income Maintenance  
 Field Staff and Operations

Personal Service and/or Expense and Equipment, provided that not ore  
 than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund	\$25,579,261
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Personal Service	38,775,468
Expense and Equipment	<u>4,482,081</u>
From Federal Funds	43,257,549

Personal Service	61,994
Expense and Equipment	<u>28,749</u>
From Health Initiatives Fund	<u>90,743</u>
Total (Not to exceed 2,034.62 F.T.E.)	\$68,927,553

**SECTION 11.245.**— To the Department of Social Services

For the Children's Division

For Children's Staff Training, provided that this appropriation may be used to support Family Support Division Income Maintenance Staff Training	
From General Revenue Fund .....	\$1,274,001
From Federal Funds .....	384,041
Total .....	<u>\$1,658,042</u>

**SECTION 11.250.**— To the Department of Social Services

For the Children's Division

For the purpose of funding children's treatment services, including, but not  
limited to, home-based services, day treatment services, preventive services,  
child care, family reunification services, or intensive in-home services

From General Revenue Fund .....	\$8,329,815
From Federal Funds .....	5,486,047
Total .....	<u>\$13,815,862</u>

**SECTION 11.255.**— To the Department of Social Services

For the Children's Division

For the purpose of funding placement costs including Foster Care payments,  
related services, expenses related to training of foster parents, Residential  
Treatment placements and therapeutic treatment services, and for the  
diversion of children from inpatient psychiatric treatment and services  
provided through comprehensive, expedited permanency systems of care  
for children and families

From General Revenue Fund .....	\$56,261,647
From Federal Funds .....	52,503,972

For the purpose of enhancing current foster care case management contracts to  
increase service delivery to children and families. The purpose of these  
services shall be to help children who are at risk of being removed from  
their family because of abuse or neglect. Services may also be provided  
to children and families to expedite reunifications. Services eligible under  
this provision may include Intensive In-Home Services, Family Reunification  
Services, and specialized recruitment and training of foster care families.  
Funding may also be used for limited emergency resources for families.

From Federal Funds .....	5,000,000
Total .....	<u>\$113,765,619</u>

**SECTION 11.260.**— To the Department of Social Services

For the Children's Division

For the purpose of funding Adoption and Guardianship subsidy payments and  
related services

From General Revenue Fund .....	\$42,039,634
From Federal Funds .....	18,084,646
Total .....	<u>\$60,124,280</u>

**SECTION 11.265.**— To the Department of Social Services

For the Children's Division

For the purpose of funding independent living placements and transitional  
living payment services

From Federal Funds .....	\$3,393,228
From General Revenue Fund .....	1,777,894
Total .....	<u>\$5,171,122</u>

**SECTION 11.270.**— To the Department of Social Services

For the Children's Division

For the purpose of funding appropriations for children's treatment services,  
alternative care placement services, adoption subsidy services, independent  
living services, and services provided through comprehensive, expedited  
permanency systems of care for children and families

From General Revenue Fund .....	\$9,678,918
From Federal Funds .....	<u>9,273,261</u>
Total .....	\$18,952,179

**SECTION 11.275.**— To the Department of Social Services

For the Children's Division

For the purpose of funding Regional Child Assessment Centers

From General Revenue Fund .....	\$1,749,583
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**SECTION 11.280.**— To the Department of Social Services

For the Children's Division

For the purpose of funding diversion of children from inpatient psychiatric  
treatment and to provide services to reduce the number of children's  
inpatient medical hospitalization days

From General Revenue Fund .....	\$6,561,278
From Federal Funds .....	<u>9,691,373</u>
Total .....	\$16,252,651

**SECTION 11.285.**— To the Department of Social Services

For the Children's Division

For the purpose of funding residential placement payments to counties for  
children in the custody of juvenile courts

From Federal Funds .....	\$700,000
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**SECTION 11.290.**— To the Department of Social Services

For the Children's Division

For the purpose of funding services and programs to assist victims of  
domestic violence

From General Revenue Fund .....	\$3,755,000
From Federal Funds .....	<u>1,687,653</u>
Total .....	\$5,442,653

**SECTION 11.295.**— To the Department of Social Services

For the Children's Division

For the purpose of funding the Child Abuse and Neglect Prevention Grant and  
Children Justice Act Grant

From Federal Funds .....	\$1,000,000
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**SECTION 11.300.**— To the Department of Social Services

For the Children's Division

For the purpose of funding transactions involving personal funds of children in  
the custody of the Children's Division or the Division of Youth Services

From Alternative Care Trust Fund .....	\$12,000,000E
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**SECTION 11.305.**— To the Department of Social Services

For the Children's Division

For the purpose of funding Child Care Services and to support the Educare Program not to exceed \$3,000,000 expenses	
From General Revenue Fund	\$59,312,362
From Federal Funds	106,628,422
From Early Childhood Development, Education and Care Fund	1,548,152
For the purpose of payments to accredited child care providers pursuant to Chapter 313, RSMo	
From Early Childhood Development, Education and Care Fund	3,446,898
For the purpose of funding early childhood start-up and expansion grants pursuant to Chapter 313, RSMo	
From Early Childhood Development, Education and Care Fund	4,136,278
For the purpose of funding early childhood development, education, and care programs for low-income families pursuant to Chapter 313, RSMo	
From Early Childhood Development, Education and Care Fund	3,446,898
For the purpose of funding certificates to low-income, at-home families for Chapter 313, RSMo	
From Early Childhood Development, Education and Care Fund	3,446,898
Total	\$181,965,908

**SECTION 11.315.**— To the Department of Social Services

For the Division of Youth Services	
For the purpose of funding Central Office and Regional Offices	
Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation	
From General Revenue Fund	\$1,757,927
Personal Service	543,939
Expense and Equipment	117,846
From Federal Funds	661,785
Total (Not to exceed 56.66 F.T.E.)	\$2,419,712

**SECTION 11.320.**— To the Department of Social Services

For the Division of Youth Services	
For the purpose of funding treatment services, including foster care and contractual payments	
Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation	
From General Revenue Fund	\$32,529,665
Personal Service	6,627,582
Expense and Equipment	7,073,293
From Federal Funds	13,700,875
Personal Service	2,394,837
Expense and Equipment	3,715,760
From DOSS Educational Improvement Fund	6,110,597
Personal Service	107,219

Expense and Equipment . . . . .	10,135
From Health Initiatives Fund . . . . .	117,354
Total (Not to exceed 1,392.00 F.T.E.) . . . . .	\$52,458,491

**SECTION 11.325.**— To the Department of Social Services

For the Division of Youth Services

For the purpose of funding incentive payments to counties for community-based treatment programs for youth. Up to \$500,000 from the Gaming Commission Fund appropriated within this section may be used for funding treatment services, including foster care and contractual payments

From General Revenue Fund . . . . .	\$3,884,412
From Gaming Commission Fund . . . . .	500,000
Total . . . . .	\$4,384,412

**SECTION 11.400.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of funding administrative services. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds eighty percent of the federal poverty level, and those persons whose income exceeds eighty percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits.

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation	
From General Revenue Fund . . . . .	\$5,786,536

Personal Service . . . . .	5,358,625
Expense and Equipment . . . . .	6,754,641
From Federal Funds . . . . .	12,113,266

Personal Service . . . . .	16,810
Expense and Equipment . . . . .	5,110
From Pharmacy Rebates Fund . . . . .	21,920

Personal Service . . . . .	266,394
Expense and Equipment . . . . .	31,385
From Health Initiatives Fund . . . . .	297,779

Personal Service . . . . .	71,346
Expense and Equipment . . . . .	10,281
From Nursing Quality of Care Fund . . . . .	81,627

Personal Service . . . . .	250,625
Expense and Equipment . . . . .	1,414,665
From Third Party Liability Collections Fund . . . . .	1,665,290
Total (Not to exceed 279.93 F.T.E.) . . . . .	\$19,966,418

**SECTION 11.405.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of funding women and minority health care outreach programs.

The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount.

Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds eighty percent of the federal poverty level, and those persons whose income exceeds eighty percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From General Revenue Fund .....	\$750,000
From Federal Funds .....	<u>750,000</u>
Total .....	\$1,500,000

**SECTION 11.410.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of funding a revenue maximization unit in the Division of Medical Services. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds eighty percent of the federal poverty level, and those persons whose income exceeds eighty percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

Personal Service .....	\$81,000
Expense and Equipment .....	<u>8,286</u>
From Federal Reimbursement Allowance Fund .....	89,286

Personal Service .....	81,000
Expense and Equipment .....	<u>8,286</u>
From Federal Funds .....	<u>89,286</u>
Total (Not to exceed 4.00 F.T.E.) .....	\$178,572

**SECTION 11.415.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of funding fees associated with third-party collections and other revenue maximization cost avoidance fees. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds eighty percent of the federal poverty level, and those persons whose income exceeds eighty percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits.

From Federal Funds .....	\$1,000,000E
From Third Party Liability Collections Fund .....	<u>1,000,000E</u>
Total .....	\$2,000,000

**SECTION 11.420.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of funding the operation of the information systems. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds eighty percent of the federal poverty level, and those persons whose income exceeds eighty percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits.

From General Revenue Fund . . . . .	\$6,892,792
From Federal Funds . . . . .	<u>18,473,731</u>
Total . . . . .	\$25,366,523

**SECTION 11.425.**— To the Department of Social Services  
For the Division of Medical Services

For the purpose of funding contractor payments associated with managed care eligibility and enrollment of Medicaid recipients. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds eighty percent of the federal poverty level, and those persons whose income exceeds eighty percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits.

From General Revenue Fund . . . . .	\$109,586
From Federal Funds . . . . .	<u>3,110,113</u>
Total . . . . .	\$3,219,699

**SECTION 11.430.**— To the Department of Social Services  
For the Division of Medical Services

For the purpose of funding pharmaceutical payments under the Medicaid fee-for-service and managed care programs and for the purpose of funding professional fees for pharmacists. Prior to the implementation of a preferred drug product list, the Division of Medical Services must submit to the Budget Chairman of the House and the Appropriations Chairman of the Senate a study which outlines the impact of such restrictions on patient care and the entire Medicaid budget. A portion of funding provided within this section, \$16,442,080 from the General Revenue Fund and \$26,109,887 from Federal Funds, is contingent upon both the passage of legislation authorizing the pharmacy provider tax and the approval of the pharmacy provider tax by the Federal Centers for Medicare and Medicaid Services (CMS), each of which must be in an amount sufficient to provide for Fiscal Year 2004 appropriations made from the Pharmacy Federal Reimbursement Allowance Fund. If these contingencies are not satisfied then the appropriation for the contingent funding noted above is revoked and the base dispensing fee, before any related provider tax adjustment, shall be lesser of \$4.09 or the lowest dispensing fee accepted by the pharmacy from any insurer or other third party payer; further, a component in determining ingredient cost reimbursement will include the flat Wholesale Acquisition Cost (WAC). The single agency administering the Medicaid program is only authorized to reimburse for

benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds eighty percent of the federal poverty level, and those persons whose income exceeds eighty percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From General Revenue Fund .....	\$231,380,040
From Federal Funds .....	570,438,693
From Pharmacy Rebates Fund .....	60,163,328E
From Pharmacy Reimbursement Allowance Fund .....	61,984,630
From Health Initiatives Fund .....	969,293
From Healthy Families Trust Fund-Health Care Account .....	1,041,034
Total .....	<u>\$925,977,018</u>

**SECTION 11.435.**— There is transferred out of the State Treasury, chargeable to the General Revenue Fund, Thirty Million Dollars (\$30,000,000) to the Pharmacy Reimbursement Allowance Fund

From General Revenue Fund .....	\$30,000,000E
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**SECTION 11.440.**— There is transferred out of the State Treasury, chargeable to the Pharmacy Reimbursement Allowance Fund, Thirty Million Dollars (\$30,000,000) to the General Revenue Fund as a result of recovering the Pharmacy Reimbursement Allowance Fund

From Pharmacy Reimbursement Allowance Fund .....	\$30,000,000E
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**SECTION 11.445.**— To the Department of Social Services  
For the Division of Medical Services

For the purpose of funding physician services and related services, including, but not limited to, clinic and podiatry services, physician-sponsored services and fees, laboratory and x-ray services, and family planning services under the Medicaid fee-for-service and managed care programs. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds eighty percent of the federal poverty level, and those persons whose income exceeds eighty percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From General Revenue Fund .....	\$108,293,986
From Federal Funds .....	181,290,040
From Health Initiatives Fund .....	1,247,544
From Healthy Families Trust Fund-Health Care Account .....	1,041,034
Total .....	<u>\$291,872,604</u>

**SECTION 11.450.**— To the Department of Social Services  
For the Division of Medical Services

For the purpose of funding dental services for children under the Medicaid fee-for-service and managed care programs and not for reimbursement of adult dental services provided after July 1, 2003. The single agency administering the Medicaid program is only authorized to reimburse for

benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds eighty percent of the federal poverty level, and those persons whose income exceeds eighty percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From General Revenue Fund . . . . .	\$2,693,467
From Federal Funds . . . . .	5,750,170
From Health Initiatives Fund . . . . .	71,162
From Healthy Families Trust Fund-Health Care Account . . . . .	848,773
Total . . . . .	\$9,363,572

**SECTION 11.455.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of funding payments to third-party insurers, employers, or policyholders for health insurance. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds eighty percent of the federal poverty level, and those persons whose income exceeds eighty percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From General Revenue Fund . . . . .	\$31,194,145
From Federal Funds . . . . .	50,405,626
Total . . . . .	\$81,599,771

**SECTION 11.460.**— To the Department of Social Services

For the Division of Medical Services

For funding long-term care services

For the purpose of funding home health, respite care, homemaker chore, personal care, advanced personal care, adult day care, AIDS, children's waiver services, Program for All-Inclusive Care for the Elderly, and other related services under the Medicaid fee-for-service and managed care programs. Provided that an individual eligible for or receiving nursing home care must be given the opportunity to have those Medicaid dollars follow them to the community to the extent necessary to meet their unmet needs as determined by 13 CSR 15 9.030(5) and further be allowed to choose the personal care program option in the community that best meets the individuals' unmet needs. This includes the Consumer Directed Medicaid State Plan Amendment that is administered by the Division of Vocational Rehabilitation in the Department of Elementary and Secondary Education. And further provided that individuals eligible for the Medicaid Personal Care Option must be allowed to choose, from among all the program options, that option which best meets their unmet need as determined by 13 CSR 15 9.030(5); and also be allowed to have their Medicaid funds follow them to the extent necessary to meet their unmet needs whichever option they choose. This language does not create any entitlements not established by statute. The single state agency administering the Medicaid program is only authorized to reimburse for

benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds eighty percent of the federal poverty level, and those persons whose income exceeds eighty percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From General Revenue Fund .....	\$104,475,295
From Federal Funds .....	167,623,678
From Health Initiatives Fund .....	159,305

For the purpose of funding care in nursing facilities, Program for All-Inclusive Care for the Elderly, or other long-term care services under the Medicaid fee-for-service and managed care programs. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds eighty percent of the federal poverty level, and those persons whose income exceeds eighty percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From General Revenue Fund .....	84,823,785
From Federal Funds .....	261,665,672
From Uncompensated Care Fund .....	58,516,478
From Intergovernmental Transfer Fund .....	20,000,000
From Nursing Facility Federal Reimbursement Allowance Fund .....	8,072,284
From Healthy Families Trust Fund-Health Care Account .....	17,973
Total .....	\$705,354,470

**SECTION 11.465.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of funding all other non-institutional services, including, but not limited to, rehabilitation, optometry, audiology, ambulance, non-emergency medical transportation, durable medical equipment, and eyeglasses following cataract surgery under the Medicaid fee-for-service and managed care programs. A portion of this funding allows for contracted services related to prior authorization of certain Medicaid services. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds eighty percent of the federal poverty level, and those persons whose income exceeds eighty percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits.

From General Revenue Fund .....	\$33,579,085
From Federal Funds .....	55,766,744
From Healthy Families Trust Fund-Health Care Account .....	831,745
From Health Initiatives Fund .....	194,881

For the purpose of funding non-emergency medical transportation. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds eighty percent of the federal poverty level, and those persons whose income exceeds eighty percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From General Revenue Fund . . . . .	12,776,589
From Federal Funds . . . . .	<u>15,176,589</u>
Total . . . . .	\$118,325,633

**SECTION 11.470.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of funding the payment to comprehensive prepaid health care plans or for payments to providers of health care services for persons eligible for medical assistance under the Medicaid fee-for-service programs or State Medical Program as provided by federal or state law or for payments to programs authorized by the Frail Elderly Demonstration Project Waiver as provided by the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508, Section 4744) and by Section 208.152 (22), RSMo. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds eighty percent of the federal poverty level, and those persons whose income exceeds eighty percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From General Revenue Fund . . . . .	\$151,543,496
From Federal Funds . . . . .	455,123,837
From Health Initiatives Fund . . . . .	8,270,848
From Federal Reimbursement Allowance Fund . . . . .	116,112,906
From Healthy Families Trust Fund-Health Care Account . . . . .	<u>4,447,110</u>
Total . . . . .	\$735,498,197

**SECTION 11.475.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of funding hospital care under the Medicaid fee-for-service and managed care programs. The Division of Medical Services may adjust SFY 2004 costs of the uninsured payments to hospitals to reflect the impact on hospitals of the elimination of Medicaid coverage for adults with incomes above 77 percent of the federal poverty level and who were covered through a Section 1931 transfer. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds eighty percent of the federal poverty level, and those persons whose income exceeds eighty percent of the federal

poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits	
From General Revenue Fund . . . . .	\$15,476,500
From Federal Funds . . . . .	347,889,688
From Uncompensated Care Fund . . . . .	29,383,522
From Federal Reimbursement Allowance Fund . . . . .	108,958,465
From Health Initiatives Fund . . . . .	2,797,179
From Healthy Families Trust Fund-Health Care Account . . . . .	2,365,987
For Safety Net Payments	
From Healthy Families Trust Fund-Health Care Account . . . . .	30,365,444
For Graduate Medical Education	
From Health Families Trust Fund-Health Care Account . . . . .	10,000,000
For the purpose of funding a community-based care coordinating program that includes in-home visits and/or phone contact by a nurse care manager or electronic monitor. The purpose of such program shall be to ensure that patients are discharged from hospitals to an appropriate level of care and services and that targeted Medicaid beneficiaries with chronic illnesses and high-risk pregnancies receive care in the most cost-effective setting. Areas of implementation shall include but not be limited to Greene County. The project shall be contingent upon adoption of an offsetting increase in the applicable provider tax and administered by the Division of Medical Services' Disease Management Program	
From Federal Funds . . . . .	80,000
From Federal Reimbursement Allowance Fund . . . . .	80,000
For the purpose of funding hospital care under the Medicaid fee-for-service and managed care programs, and funding costs incurred by hospitals for the staffing of the emergency department with Medicaid enrolled physicians of Level I, II, III Trauma Centers as defined by the Department of Health & Senior Services and Critical Access Hospitals as defined by the Department of Social Services Division of Medical Services, contingent upon adoption of an offsetting increase in the applicable provider tax.	
From Federal Funds . . . . .	30,000,000
From Federal Reimbursement Allowance Fund . . . . .	20,000,000
For the purpose of continuing funding in Southwest Missouri of the pager project designed to assist those Medicaid recipients with a high utilization of pharmaceuticals in order to treat chronic illness. Additionally, such project will be replicated in metropolitan Kansas City. The project shall be contingent upon adoption of an offsetting increase in the applicable provider tax and administered by the Division of Medical Services' Disease Management Program.	
From Federal Funds . . . . .	60,000
From Federal Reimbursement Fund . . . . .	60,000
Total . . . . .	\$597,516,785

**SECTION 11.476.**— To the Department of Social Services

For the Division of Medical Services

For payment to Tier 1 Safety Net Hospitals, by maximizing eligible costs for

federal Medicaid funds, utilizing current state and local funding sources  
as match for services that are not currently matched with federal  
Medicaid payments.

From Federal Funds . . . . . \$23,000,000

**SECTION 11.480.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of funding grants to Federally Qualified Health Centers.

The single state agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds eighty percent of the federal poverty level, and those persons whose income exceeds eighty percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From General Revenue Fund . . . . . \$1,000,000

**SECTION 11.485.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of funding payments to hospitals under the Federal Reimbursement

Allowance Program and for the expenses of the Poison Control Center in order to provide services to all hospitals within the state. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds eighty percent of the federal poverty level, and those persons whose income exceeds eighty percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From Federal Funds . . . . . \$384,999,999E

From Federal Reimbursement Allowance Fund . . . . . 1E

Total . . . . . \$385,000,000

**SECTION 11.490.**— To the Department of Social Services

For the Division of Medical Services

For funding programs to enhance access to health care for uninsured adults

by using fee-for-service, prepaid health plans, or other alternative service delivery and reimbursement methodology approved by the director of the Department of Social Services. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds eighty percent of the federal poverty level, and those persons whose income exceeds eighty percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From General Revenue Fund . . . . . \$2,286,649

From Federal Funds . . . . . 3,076,630

From Federal Reimbursement Allowance Fund . . . . . 423,516

From Pharmacy Reimbursement Allowance Fund . . . . . 89,128

For the purpose of funding health care services provided to uninsured adults through local initiatives for the uninsured. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds eighty percent of the federal poverty level, and those persons whose income exceeds eighty percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From Federal and Other Funds . . . . . 1E  
Total . . . . . \$5,875,924

**SECTION 11.495.**— To the Department of Social Services

For the Division of Medical Services

For funding programs to enhance access to care for uninsured children using fee-for-services, prepaid health plans, or other alternative service delivery and reimbursement methodology approved by the director of the Department of Social Services. Provided that the Department shall implement co-payments as provided in Sections 208.631 to 208.657, RSMo. In order to be eligible, and pursuant to the provisions of Sections 208.631 to 208.657, RSMo, parents and guardians of uninsured children with incomes between two hundred twenty-six and three hundred percent of the federal poverty level shall submit with their application two health insurance quotes from insurers providing services in their community. Said quotes shall exceed one hundred thirty-three percent of the average monthly premium currently required in the Missouri Consolidated Health Care Plan. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds eighty percent of the federal poverty level, and those persons whose income exceeds eighty percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From General Revenue Fund . . . . . \$1,626,088  
From Federal Funds . . . . . 68,489,763  
From Federal Reimbursement Allowance Fund . . . . . 8,300,000  
From Health Initiatives Fund . . . . . 4,999,173  
From Pharmacy Rebates Fund . . . . . 225,430  
From Pharmacy Reimbursement Allowance Fund . . . . . 201,394  
From Premium Fund . . . . . 1,000,000  
Total . . . . . \$84,841,848

**SECTION 11.500.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of funding uncompensated care payments to the St. Louis Regional Disproportionate Share Hospital funding authority

From Federal Funds . . . . . \$25,000,000E

**SECTION 11.505.**— There is transferred out of the State Treasury, chargeable to the General Revenue Fund, \$180,000,000 to the Federal Reimbursement Allowance Fund

From General Revenue Fund . . . . . \$180,000,000E

**SECTION 11.510.**— There is transferred out of the State Treasury, chargeable to the Federal Reimbursement Allowance Fund, \$180,000,000 to the General Revenue Fund as a result of reconciling the Federal Reimbursement Allowance Fund

From Federal Reimbursement Allowance Fund . . . . . \$180,000,000E

**SECTION 11.515.**— There is transferred out of the State Treasury, chargeable to the General Revenue Fund, \$120,000,000 to the Nursing Facility Federal Reimbursement Allowance Fund

From General Revenue Fund . . . . . \$120,000,000E

**SECTION 11.520.**— There is transferred out of the State Treasury, chargeable to the Nursing Facility Federal Reimbursement Allowance Fund, \$120,000,000 to the General Revenue Fund as a result of reconciling the Nursing Facility Federal Reimbursement Allowance Fund

From Nursing Facility Federal Reimbursement Allowance Fund . . . . . \$120,000,000E

**SECTION 11.525.**— There is transferred out of the State Treasury, chargeable to the Nursing Facility Federal Reimbursement Allowance Fund, \$1,500,000 to the Nursing Facility Quality of Care Fund

From Nursing Facility Federal Reimbursement Allowance Fund . . . . . \$1,500,000

**SECTION 11.530.**— To the Department of Social Services  
For the Division of Medical Services

For the purpose of funding Nursing Facility Federal Reimbursement Allowance payments as provided by law. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds eighty percent of the federal poverty level, and those persons whose income exceeds eighty percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From Federal Funds . . . . . \$184,999,999E

From Nursing Facility Federal Reimbursement Allowance Fund . . . . . 1E

Total . . . . . \$185,000,000

**SECTION 11.535.**— To the Department of Social Services  
For the Division of Medical Services

For the purpose of funding Medicaid services for the Department of Elementary and Secondary Education under the Medicaid fee-for-service and managed care programs. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds

eighty percent of the federal poverty level, and those persons whose income exceeds eighty percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From Federal Funds . . . . . \$33,230,000E

**SECTION 11.545.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of funding home-delivered meals distributed according to formula to the Area Agencies on Aging in the Department of Health and Senior Services. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds eighty percent of the federal poverty level, and those persons whose income exceeds eighty percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From Federal Funds . . . . . \$4,191,968E

**SECTION 11.550.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of funding medical benefits for recipients of the State Medical Program, including coverage in managed care programs. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds eighty percent of the federal poverty level, and those persons whose income exceeds eighty percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From General Revenue Fund . . . . .	\$35,544,655
From Health Initiatives Fund . . . . .	353,437
From Pharmacy Reimbursement Allowance Fund . . . . .	846,090
Total . . . . .	\$36,744,182

**SECTION 11.555.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of funding appropriations for any medical service under the Medicaid fee-for-service, managed care, or State Medical programs, including related services. Appropriations shall not be used to provide reimbursement for adult dental services provided after July 1, 2003.

Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds eighty percent of the federal poverty level, and those persons whose income exceeds eighty percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount

From Federal Funds .....	\$24,107,486
From Premium Fund .....	3,837,940
From Third Party Liability Collections .....	11,399,997
From Uncompensated Care Fund .....	1
From Pharmacy Rebates Fund .....	1
From Federal Reimbursement Allowance Fund .....	1
From Nursing Facility Federal Reimbursement Allowance Fund .....	181,500

For the purpose of funding Upper Payment Limit maximization transactions

From Federal Funds .....	20,500,000
From Intergovernmental Transfer Fund .....	13,000,000
Total .....	\$73,026,926

#### **BILL TOTALS**

General Revenue Fund .....	\$1,184,762,337
Federal Funds .....	3,974,953,219
Other Funds .....	356,484,802
Total .....	\$5,516,200,358

\*This bill reduces support and critical services to the people who need it the most. About 13,000 low-income working adults will lose healthcare coverage due to reductions in the Medicaid program. This reduction could lead to an increase in more costly emergency room visits and unhealthy parents who may become unable to care for their children. The CHOICES program, which assists 1,020 foster care youth between the ages of 13 and 15 in becoming responsible adults, will be eliminated. Grandparents raising their grandchildren will have an additional financial burden due to lower reimbursement rates under the Grandparents as Foster Parents Program. The state's effort to help eliminate violence in the home will be hampered because of reductions in Domestic Violence grants. Reduced support for community services will hurt welfare recipients' ability to achieve self-sufficiency. Community Partnerships have been productive in leveraging local and federal funds to address the social problems of their communities. These essential services are necessary to protect our most vulnerable citizens. The bill also reduces funding for Medicaid programs that are not connected to any cost-savings policy or statutory change. These reductions are not sustainable and must be restored to achieve a balanced budget.

BOB HOLDEN, Governor

DISAPPROVED May 30, 2003

HB 12 [CCS SCS HS HB 12]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS:** CHIEF EXECUTIVE OFFICE AND MANSION, LT. GOVERNOR, SECRETARY OF STATE, STATE AUDITOR, STATE TREASURER, ATTORNEY GENERAL, MISSOURI PROSECUTING ATTORNEYS AND CIRCUIT ATTORNEYS RETIREMENT SYSTEMS, JUDICIARY, OFFICE OF STATE PUBLIC DEFENDER, GENERAL ASSEMBLY, MISSOURI COMMISSION ON INTERSTATE COOPERATION, COMMITTEE ON LEGISLATIVE RESEARCH, VARIOUS JOINT COMMITTEES, AND INTERIM COMMITTEES.

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated, for the period beginning July 1, 2003 and ending June 30, 2004 as follows:

**SECTION 12.005.**— To the Governor

Personal Service and/or Expense and Equipment . . . . .	\$1,824,818
Personal Service and/or Expense and Equipment for the Mansion . . . . .	169,070
From General Revenue Fund (Not to exceed 42.00 F.T.E.) . . . . .	\$1,993,888

**SECTION 12.010.**— To the Governor

For expenses incident to emergency duties performed by the National Guard  
when ordered out by the Governor  
From General Revenue Fund (0 F.T.E.) . . . . . \$1E

**SECTION 12.020.**— To the Governor

For Association Dues  
From General Revenue Fund (0 F.T.E.) . . . . . \$150,150

**SECTION 12.030.**— To the Governor

For the Governor's Mansion Preservation Advisory Commission  
From General Revenue Fund (0 F.T.E.) . . . . . \$3,000

**SECTION 12.035.**— To the Governmental Emergency Fund Committee

For allocation by the committee to state agencies that qualify for emergency or  
supplemental funds under the provisions of Section 33.720, RSMo  
From General Revenue Fund (0 F.T.E.) . . . . . \$1E

**SECTION 12.040.**— To the Lieutenant Governor

Personal Service and/or Expense and Equipment  
From General Revenue Fund (Not to exceed 8.50 F.T.E.) . . . . . \$404,793

**SECTION 12.045.**— To the Secretary of State

Personal Service and/or Expense and Equipment

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From General Revenue Fund . . . . .	9,078,682
From Federal Funds . . . . .	738,816
From Secretary of State's Technology Trust Fund Account . . . . .	3,001,001
From Local Records Preservation Fund . . . . .	1,303,182
From Secretary of State - Wolfner State Library Fund . . . . .	57,000
From Investor Education Fund . . . . .	284,922
Total (Not to exceed 263.80 F.T.E.) . . . . .	<u>\$14,463,603</u>

**SECTION 12.047.**— To the Secretary of State  
 For the biennial publication of the State's Official Manual  
 From General Revenue Fund (0 F.T.E.) . . . . . \$600,000

**SECTION 12.050.**— To the Secretary of State  
 For refunds of securities, corporations, uniform commercial code, and miscellaneous  
 collections of the Secretary of State's Office  
 From General Revenue Fund (0 F.T.E.) . . . . . \$50,000E

**SECTION 12.055.**— To the Secretary of State  
 For reimbursement to victims of securities fraud and other violations pursuant  
 to Section 409.407, RSMo  
 From Investor Restitution Fund (0 F.T.E.) . . . . . \$55,000E

**SECTION 12.060.**— To the Secretary of State  
 For expenses of initiative referendum and constitutional amendments  
 From General Revenue Fund (0 F.T.E.) . . . . . \$100,000E

**SECTION 12.065.**— To the Secretary of State  
 For election costs associated with absentee ballots  
 From General Revenue Fund (0 F.T.E.) . . . . . \$50,000

**SECTION 12.070.**— To the Secretary of State  
 For costs associated with providing provisional ballots and voter registration  
 applications  
 From General Revenue Fund (0 F.T.E.) . . . . . \$21,395

**SECTION 12.075.**— To the Secretary of State  
 For election reform grants and related matching funds  
 From General Revenue Fund . . . . . \$40,000  
 From Federal Funds . . . . . 5,000,001E  
 Total (0 F.T.E.) . . . . . \$ 5,040,001

**SECTION 12.080.**— To the Secretary of State  
 For historical repository grants  
 From Federal Funds (0 F.T.E.) . . . . . \$198,002

**SECTION 12.085.**— To the Secretary of State  
 For the preservation of nationally significant records at the local level  
 Personal Service and/or Expense and Equipment  
 From Federal Funds (Not to exceed 3.00 F.T.E.) . . . . . \$232,511

**SECTION 12.090.**— To the Secretary of State  
 For local records preservation grants

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From Local Records Preservation Fund (0 F.T.E.) . . . . . \$400,000

**SECTION 12.095.**— To the Secretary of State

For preserving legal, historical, and genealogical materials and making them  
available to the public, all expenditures

Personal Service and/or Expense and Equipment

From State Document Preservation Fund (Not to exceed 2.00 F.T.E.) . . . . . \$306,363E

**SECTION 12.100.**— To the Secretary of State

For aid to public libraries

From General Revenue Fund . . . . . \$4,001,744

**SECTION 12.105.**— To the Secretary of State

For the Remote Electronic Access for Libraries (REAL) Program

From General Revenue Fund . . . . . \$2,959,250

**SECTION 12.110.**— To the Secretary of State

For the Literacy Investment for Tomorrow (LIFT) Program

From General Revenue Fund . . . . . \$69,450

**SECTION 12.115.**— To the Secretary of State

For all allotments, grants, and contributions from the federal government or from  
any sources that may be deposited in the State Treasury for the use of the

Missouri State Library

From Federal Funds . . . . . \$1,500,000E

**SECTION 12.120.**— To the Secretary of State

For library networking grants

From Library Networking Fund . . . . . \$1E

**SECTION 12.150.**— To the State Auditor

Personal Service and/or Expense and Equipment

From General Revenue Fund . . . . . \$6,433,728

From Federal Funds . . . . . 510,199

From Gaming Commission Fund . . . . . 81,627

From Conservation Commission Fund . . . . . 40,420

From Parks Sales Tax Fund . . . . . 18,883

From Soil and Water Sales Tax Fund . . . . . 18,187

From State Highways and Transportation Department Fund . . . . . 534,890

From Petition Audit Revolving Trust Fund . . . . . 620,031

Total (Not to exceed 178.27 F.T.E.) . . . . . \$8,257,965

**SECTION 12.155.**— To the State Treasurer

Personal Service and/or Expense and Equipment

From General Revenue Fund . . . . . 1,763,295

From Central Check Mailing Service Revolving Fund . . . . . 225,000E

From State Highways and Transportation Department Fund . . . . . 464,135

From Second Injury Fund . . . . . 39,955

For Unclaimed Property Division administrative costs including expense and  
equipment for auctions, advertising, and promotions

From Abandoned Fund Account . . . . . 225,000E

For preparation and dissemination of information or publications, or for refunding overpayments

From Treasurer's Information Fund .....	25,000
Total (Not to exceed 51.00 F.T.E.) .....	\$2,742,385

**SECTION 12.160.**— To the State Treasurer

For issuing duplicate checks or drafts and outlawed checks as provided by law

From General Revenue Fund .....	\$1,525,000E
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**SECTION 12.175.**— To the State Treasurer

For payment of claims for abandoned property transferred by holders to the state

From Abandoned Fund Account .....	\$16,000,000E
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**SECTION 12.180.**— To the State Treasurer

For transfer of such sums as may be necessary to make payment of claims from the Abandoned Fund Account pursuant to Chapter 447, RSMo

From General Revenue Fund .....	\$1E
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**SECTION 12.185.**— To the State Treasurer

There is transferred out of the State Treasury, chargeable to the Abandoned Fund Account, Fifteen Million Dollars to the General Revenue Fund

From Abandoned Fund Account .....	\$15,000,000E
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**SECTION 12.190.**— To the State Treasurer

For refunds of excess interest from the Linked Deposit Program

From General Revenue Fund .....	\$3,000E
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**SECTION 12.195.**— To the State Treasurer

There is transferred out of the State Treasury, chargeable to the funds listed below, to the Missouri Investment Trust Fund, contingent upon passage of legislation authorizing conveyance of the following funds to the Trust

From Missouri Arts Council Trust Fund .....	\$2,000,000E
From Missouri Humanities Council Trust Fund .....	1,000,000E
From Secretary of State - Wolfner State Library Fund .....	375,000E
Total .....	\$3,375,000

**SECTION 12.200.**— To the State Treasurer

There is transferred out of the State Treasury, chargeable to the Debt Offset

Escrow Fund, Six Hundred Thousand Dollars to the General Revenue Fund

From Debt Offset Escrow Fund .....	\$600,000E
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**SECTION 12.205.**— To the State Treasurer

There is transferred out of the State Treasury, chargeable to various funds,

One Dollar to the General Revenue Fund

From Various Funds .....	\$1E
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**SECTION 12.210.**— To the Attorney General

Personal Service and/or Expense and Equipment

From General Revenue Fund .....	12,125,151
From Federal Funds .....	1,988,522
From Gaming Commission Fund .....	126,794
From Natural Resources Protection Fund-Water Pollution Permit Fee Subaccount ..	36,987

From Solid Waste Management Fund . . . . .	37,487
From Petroleum Storage Tank Insurance Fund . . . . .	22,157
From Motor Vehicle Commission Fund . . . . .	44,692
From Health Spa Regulatory Fund . . . . .	5,000
From Natural Resources Protection Fund-Air Pollution Permit Fee Subaccount . . . . .	36,975
From Attorney General's Court Costs Fund . . . . .	187,000
From Soil and Water Sales Tax Fund . . . . .	13,022
From Merchandising Practices Revolving Fund . . . . .	2,493,522
From Workers' Compensation Fund . . . . .	437,319
From Second Injury Fund . . . . .	1,995,744
From Lottery Enterprise Fund . . . . .	48,881
From Attorney General's Anti-Trust Fund . . . . .	581,144
From Hazardous Waste Fund . . . . .	36,975
From Safe Drinking Water Fund . . . . .	13,032
From Hazardous Waste Remedial Fund . . . . .	228,931
From Inmate Incarceration Reimbursement Act Revolving Fund . . . . .	33,825
From Mined Land Reclamation Fund . . . . .	13,017
Total (Not to exceed 382.05 F.T.E.) . . . . .	\$20,506,177

**SECTION 12.215.**— To the Attorney General

For law enforcement, domestic violence and victims' services

Expense and Equipment

From Federal Funds . . . . .	\$100,000
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**SECTION 12.225.**— To the Attorney General

For a Medicaid fraud unit

Personal Service and/or Expense and Equipment

From General Revenue Fund . . . . .	295,016
From Federal Funds . . . . .	1,507,309
Total (Not to exceed 23.00 F.T.E.) . . . . .	\$1,802,325

**SECTION 12.230.**— To the Attorney General

For the Missouri Office of Prosecution Services

Personal Service . . . . . \$123,248

Expense and Equipment . . . . . 930,900

From Federal Funds . . . . .	1,054,148
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Personal Service . . . . . 147,724

Expense and Equipment . . . . . 160,419

From Missouri Office of Prosecution Services Fund . . . . .	308,143
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Expense and Equipment

From Missouri Office of Prosecution Services Revolving Fund . . . . .	150,000E
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Total (Not to exceed 6.50 F.T.E.) . . . . .	\$1,512,291
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**SECTION 12.240.**— To the Attorney General

There is transferred out of the State Treasury, chargeable to the General Revenue

Fund, One Hundred Sixty-five Thousand Six Hundred Dollars to the

Attorney General's Court Costs Fund

From General Revenue Fund . . . . .	\$165,600
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**SECTION 12.250.**— To the Attorney General

There is transferred out of the State Treasury, chargeable to the General  
 Revenue Fund, Seventy-five Thousand Dollars to the Attorney General's  
 Anti-Trust Fund  
 From General Revenue Fund . . . . . \$69,000

**SECTION 12.300.**— To the Supreme Court

For the purpose of funding Judicial Proceedings and Review  
 Personal Service and/or Expense and Equipment, provided that not more  
 than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund . . . . . \$4,050,444

Expense and Equipment  
 From Supreme Court Publications Revolving Fund . . . . . 125,000  
 Total (Not to exceed 74.00 F.T.E.) . . . . . \$4,175,444

**SECTION 12.303.**— To the Supreme Court

For the purpose of funding all grants and contributions of funds from the federal  
 government or from any other source which may be deposited in the state  
 treasury for the use of the Supreme Court  
 Personal Service  
 From Federal Funds and Other Funds (Not to exceed 8.00 F.T.E.) . . . . . \$430,000

**SECTION 12.305.**— To the Supreme Court

For participation by the State of Missouri in the National Center for State Courts  
 From General Revenue Fund . . . . . \$136,137

**SECTION 12.310.**— To the Supreme Court

For the purpose of funding the State Courts Administrator  
 Personal Service and/or Expense and Equipment, provided that not more  
 than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund . . . . . \$3,682,843

Expense and Equipment  
 From State Courts Administration Revolving Fund . . . . . 30,000  
 Total (Not to exceed 78.81 F.T.E.) . . . . . \$3,712,843

**SECTION 12.315.**— To the Supreme Court

For the purpose of funding all grants and contributions of funds from the federal  
 government or from any other source which may be deposited in the State  
 Treasury for the use of the Supreme Court and other state courts  
 Personal Service . . . . . \$1,870,269  
 Expense and Equipment . . . . . 11,686,908  
 From Federal Funds (Not to exceed 43.25 F.T.E.) . . . . . \$13,557,177

**SECTION 12.320.**— To the Supreme Court

For the purpose of developing and implementing a program of statewide court  
 automation  
 Personal Service and/or Expense and Equipment, provided that not more  
 than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund . . . . . \$7,080,307  
 Personal Service . . . . . 1,374,019

Expense and Equipment .....	3,333,900
From the Statewide Court Automation Fund, and any grants, contributions, or receipts from federal government or any other source deposited into the State Treasury for court automation .....	4,707,919
From the Crime Victims' Compensation Fund .....	352,000
Total (Not to exceed 100.00 F.T.E.) .....	\$12,140,226

**SECTION 12.325.**— There is transferred out of the State Treasury, chargeable to the General Revenue Fund, One Million, Four Hundred Fifty-Five Thousand, Three Hundred Sixty-Three Dollars (\$1,455,363) to the Judicial Education and Training Fund

From General Revenue Fund .....	\$1,455,363
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**SECTION 12.330.**— To the Supreme Court  
For the purpose of funding judicial education and training

Personal Service .....	\$614,111
Expense and Equipment .....	1,757,698
From Judicial Education and Training Fund (Not to exceed 16.00 F.T.E.) ...	\$2,371,809

**SECTION 12.340.**— To the Supreme Court  
For the purpose of funding the Court of Appeals - Western District  
Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 53.50 F.T.E.) .....	\$3,371,833
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**SECTION 12.345.**— To the Supreme Court  
For the purpose of funding the Court of Appeals - Eastern District  
Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 73.75 F.T.E.) .....	\$4,364,405
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**SECTION 12.350.**— To the Supreme Court  
For the purpose of funding the Court of Appeals - Southern District  
Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 31.60 F.T.E.) .....	\$2,269,836
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**SECTION 12.355.**— To the Supreme Court  
For the purpose of funding the circuit courts  
Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund .....	108,732,964
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Personal Service .....	1,338,119
Expense and Equipment .....	419,661
From Federal and Other Funds .....	1,757,780

Personal Service .....	219,873
Expense and Equipment .....	128,039
From Third Party Liability Fund .....	347,912

Expense and Equipment

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From State Courts Administration Revolving Fund . . . . . 60,000

Expense and Equipment  
From Fine Collections Center Interest Revolving Fund . . . . . 25,000  
Total (Not to exceed 2,914.20 F.T.E.) . . . . . \$110,923,656

**SECTION 12.360.**— To the Supreme Court

For the purpose of making payments due from litigants in court proceedings under  
set-off against debts authority as provided in Section 488.020(3), RSMo

From Debt Offset Escrow Fund . . . . . \$100,000E

For the purpose of funding court-appointed special advocacy programs as  
provided in Section 476.777, RSMo

From the Missouri CASA Fund . . . . . 200,000

For the purpose of funding costs associated with creating the handbook and other  
programs as provided in Section 452.554, RSMo

From the Domestic Relations Resolution Fund . . . . . 500,000  
Total (0 F.T.E.) . . . . . \$800,000

**SECTION 12.377.**— There is transferred out of the State Treasury, chargeable to  
the General Revenue Fund, Two Million, One Hundred Ninety-Six Thousand,  
Five Hundred Dollars (\$2,196,500) to the Drug Court Resources Fund

From General Revenue Fund . . . . . \$2,196,500

**SECTION 12.380.**— To the Supreme Court

For the purpose of funding drug courts

Personal Service . . . . . \$211,315  
Expense and Equipment . . . . . 1,985,185

From the Drug Court Resources Fund, and any grants, contributions, or receipts  
from the federal government or any other source deposited into the

State Treasury for drug courts . . . . . 2,196,500  
From Federal Funds . . . . . 1,125,000

Total (Not to exceed 4.00 F.T.E.) . . . . . \$3,321,500

**SECTION 12.385.**— To the Commission on Retirement, Removal, and Discipline  
of Judges

For the purpose of funding the payment of expenses of the commission

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 2.75 F.T.E.) . . . . . \$189,861

**SECTION 12.390.**— To the Supreme Court

For the purpose of funding the expenses of the members of the Appellate Judicial  
Commission and the several circuit judicial commissions in circuits having  
the non-partisan court plan, and for services rendered by clerks of the Supreme  
Court, courts of appeals, and clerks in circuits having the non-partisan court plan  
for giving notice of and conducting elections as ordered by the Supreme Court

From General Revenue Fund . . . . . \$15,993

**SECTION 12.400.**— To the Office of State Public Defender

For the purpose of funding the State Public Defender System

Personal Service and/or Expense and Equipment	
From General Revenue Fund .....	\$25,552,024
For payment of expenses as provided by Chapter 600, RSMo, associated with the defense of violent crimes and/or the defense of cases where a conflict of interest exists	
From General Revenue Fund .....	2,559,850
For expenses authorized by the Public Defender Commission as provided by Section 600.090, RSMo	
Personal Service .....	58,378
Expense and Equipment .....	<u>1,157,356</u>
From Legal Defense and Defender Fund .....	1,215,734
For refunds set-off against debts as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund .....	350,000E
For all grants and contributions of funds from the federal government or from any other source which may be deposited in the State Treasury for the use of the Office of the State Public Defender	
From Federal Funds .....	<u>125,000</u>
Total (Not to exceed 560.13 F.T.E.) .....	\$29,802,608

**SECTION 12.500.**— To the Senate

Salaries of Members .....	\$1,071,448
Mileage of Members .....	56,435
Senate Per Diem .....	226,100
Senate Contingent Expenses .....	8,669,120
Joint Contingent Expenses .....	100,000
Joint Committee on Administrative Rules .....	119,707
Joint Committee on Public Employee Retirement Systems .....	155,000
Joint Committee on Capital Improvements Oversight .....	<u>118,964</u>
From General Revenue Fund .....	10,516,774

Senate Contingent Expenses	
From Senate Revolving Fund .....	<u>40,000</u>
Total .....	\$10,556,774

**SECTION 12.505.**— To the House of Representatives

Salaries of Members .....	\$5,117,283
Mileage of Members .....	342,660
Members' Per Diem .....	1,083,950
Representatives' Expense Vouchers .....	1,564,800
House Contingent Expenses .....	<u>10,541,907</u>
From General Revenue Fund .....	18,650,600

House Contingent Expenses	
From House of Representatives Revolving Fund .....	<u>45,000</u>
Total .....	\$18,695,600

**SECTION 12.510.**— To the Missouri Commission on Interstate Cooperation

For payment of dues to the National Conference of State Legislatures

From General Revenue Fund . . . . . \$80,000

**SECTION 12.515.**— To the Committee on Legislative Research - Administration  
For payment of expenses of members, salaries and expenses of employees, and  
other necessary operating expenses

From General Revenue Fund . . . . . \$1,141,381

**SECTION 12.520.**— To the Committee on Legislative Research  
For paper, printing, binding, editing, proofreading, and other necessary expenses  
of publishing the Supplement to the Revised Statutes of the State of Missouri

From General Revenue Fund . . . . . \$162,264

From Statutory Revision Fund . . . . . 106,491

Total . . . . . \$268,755

**SECTION 12.525.**— To the Committee on Legislative Research - Oversight Division  
For payment of expenses of members, salaries and expenses of employees, and  
other necessary operating expenses

From General Revenue Fund . . . . . \$699,200

**SECTION 12.530.**— To the Interim Committees of the General Assembly  
For the Joint Committee on Correctional Institutions and Problems

From General Revenue Fund . . . . . \$5,000

#### **BILL TOTALS**

General Revenue Fund . . . . . \$238,815,754

Federal Funds . . . . . 29,824,465

Other Funds . . . . . 37,725,155

Total . . . . . \$306,365,374

Approved May 30, 2003

#### **HB 13 [CCS SCS HCS HB 13]**

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

#### **APPROPRIATIONS: REAL PROPERTY LEASES, RELATED SERVICES, UTILITIES, SYSTEMS FURNITURE AND FOR CAPITAL IMPROVEMENTS AND OTHER EXPENSES OF THE OFFICE OF ADMINISTRATION.**

AN ACT to appropriate money for real property leases, related services, utilities, systems furniture, and structural modifications for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2005.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2003 and ending June 30, 2005 as follows:

**SECTION 13.005.**— To the Office of Administration

For the Division of Facilities Management

For the Department of Elementary and Secondary Education

For the payment of real property leases, related services, utilities, systems furniture,  
and structural modifications

Expense and Equipment

From General Revenue Fund .....	\$678,620
From Federal Funds .....	5,830,879
Total .....	<u>\$6,509,499</u>

**SECTION 13.010.**— To the Office of Administration

For the Division of Facilities Management

For the Department of Higher Education

For the Coordinating Board of Higher Education

For the payment of real property leases, related services, utilities, systems furniture,  
and structural modifications

Expense and Equipment

From General Revenue Fund .....	\$174,180
From Federal Funds .....	36,956
From Other Funds .....	353,328
Total .....	<u>\$564,464</u>

**SECTION 13.015.**— To the Office of Administration

For the Division of Facilities Management

For the Department of Revenue

For the payment of real property leases, related services, utilities, systems furniture,  
and structural modifications

Expense and Equipment

From General Revenue Fund .....	\$1,959,290
From Other Funds .....	1,483,170
Total .....	<u>\$3,442,460</u>

**SECTION 13.020.**— To the Office of Administration

For the Division of Facilities Management

For the Department of Revenue

For the State Tax Commission

For the payment of real property leases, related services, utilities, systems furniture,  
and structural modifications

Expense and Equipment

From General Revenue Fund .....	\$163,510
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**SECTION 13.025.**— To the Office of Administration

For the Division of Facilities Management

For the Department of Revenue

For the Missouri State Lottery Commission

For the payment of real property, leases, related services, utilities, systems furniture,

and structural modifications  
Expense and Equipment  
From Lottery Enterprise Fund . . . . . \$721,444

**SECTION 13.030.**— To the Office of Administration

For the Division of Facilities Management

For the Office of Administration

For the payment of real property leases, related services, utilities, systems furniture,  
and structural modifications

Expense and Equipment

From General Revenue Fund . . . . . \$417,834  
From Other Funds . . . . . 930,662  
Total . . . . . \$1,348,496

**SECTION 13.035.**— To the Office of Administration

For the Division of Facilities Management

For payment of real property leases and related expenses, fuel and utilities,  
janitorial services, systems furniture, and structural modifications for  
multi-tenant leased facilities

Expense and Equipment

From the Office of Administration Revolving Trust Fund . . . . . \$7,787,020E

**SECTION 13.040.**— To the Office of Administration

For the Division of Facilities Management

For the Missouri Ethics Commission

For the payment of real property leases, related services, utilities, systems furniture,  
and structural modifications

Expense and Equipment

From General Revenue Fund . . . . . \$123,690

**SECTION 13.045.**— To the Office of Administration

For the Division of Facilities Management

For the Department of Agriculture

For the payment of real property leases, related services, utilities, systems furniture,  
and structural modifications

Expense and Equipment

From General Revenue Fund . . . . . \$650,218  
From Other Funds . . . . . 123,434  
Total . . . . . \$773,652

**SECTION 13.050.**— To the Department of Natural Resources

For the payment of real property leases, related services, utilities, systems furniture,  
and structural modifications

Expense and Equipment

From General Revenue Fund . . . . . \$1,001,004

From any funds administered by the Department of Natural Resources except

General Revenue Fund . . . . . 3,591,706

Total . . . . . \$4,592,710

**SECTION 13.055.**— To the Office of Administration

For the Division of Facilities Management

For the Department of Economic Development

For the payment of real property leases, related services, utilities, systems furniture, and structural modifications Expense and Equipment	
From General Revenue Fund .....	\$200,376
From Federal Funds .....	3,712,168
From Other Funds .....	<u>2,447,406</u>
Total .....	\$6,359,950

**SECTION 13.060.**— To the Office of Administration

For the Division of Facilities Management

For the Department of Insurance

For the payment of real property leases, related services, utilities, systems furniture,  
and structural modifications  
Expense and Equipment

From Department of Insurance Dedicated Fund ..... \$26,622

**SECTION 13.065.**— To the Office of Administration

For the Division of Facilities Management

For the Department of Labor and Industrial Relations

For the payment of real property leases, related services, utilities, systems furniture,  
and structural modifications  
Expense and Equipment

From General Revenue Fund .....	\$159,196
From Federal Funds .....	549,974
From Other Funds .....	<u>1,131,672</u>
Total .....	\$1,840,842

**SECTION 13.070.**— To the Office of Administration

For the Division of Facilities Management

For the Department of Public Safety

For the payment of real property leases, related services, utilities, systems furniture,  
and structural modifications  
Expense and Equipment

From General Revenue Fund .....	\$788,836
From Federal Funds .....	48,816
From Other Funds .....	<u>34,250</u>
Total .....	\$871,902

**SECTION 13.075.**— To the Office of Administration

For the Division of Facilities Management

For the Department of Public Safety

For the State Highway Patrol

For the payment of real property leases, related services, utilities, systems furniture,  
and structural modifications  
Expense and Equipment

From State Highways and Transportation Department Fund ..... \$1,193,136

**SECTION 13.080.**— To the Office of Administration

For the Division of Facilities Management

For the Department of Public Safety

For the Adjutant General

For the payment of real property leases, related services, utilities, systems furniture,

and structural modifications	
Expense and Equipment	
From Federal Funds	\$2,052,502
For federally mandated lease requirements	
From Federal Funds	700,000E
Total	\$2,752,502

**SECTION 13.085.**— To the Office of Administration

For the Division of Facilities Management

For the Department of Public Safety

For the Gaming Commission

For the payment of real property leases, related services, utilities, systems furniture,  
and structural modifications

Expense and Equipment

From Gaming Commission Fund \$865,974

**SECTION 13.090.**— To the Office of Administration

For the Division of Facilities Management

For the Department of Corrections

For the payment of real property leases, related services, utilities, systems furniture,  
and structural modifications

Expense and Equipment

From General Revenue Fund \$12,967,064

From Other Funds 107,928

Total \$13,074,992

**SECTION 13.095.**— To the Office of Administration

For the Division of Facilities Management

For the Department of Mental Health

For the payment of real property leases, related services, utilities, systems furniture,  
and structural modifications

Expense and Equipment

From General Revenue Fund \$5,315,668

From Federal Funds 63,134

Total \$5,378,802

**SECTION 13.100.**— To the Office of Administration

For the Division of Facilities Management

For the Department of Health and Senior Services

For the payment of real property leases, related services, utilities, systems furniture,  
and structural modifications

Expense and Equipment

From General Revenue Fund \$4,022,523

From Federal Funds 3,652,876

From Other Funds 39,044

Total \$7,714,443

**SECTION 13.105.**— To the Office of Administration

For the Division of Facilities Management

For the Department of Social Services

For the payment of real property leases, related services, utilities, systems furniture,

and structural modifications	
Expense and Equipment	
From General Revenue Fund	\$21,525,709
From Federal Funds	15,747,581
From Other Funds	104,072
Total	\$37,377,362

**SECTION 13.110.**— To the Office of Administration

For the Division of Facilities Management

For the Secretary of State

For the payment of real property leases, related services, utilities, systems furniture,  
and structural modifications

Expense and Equipment	
From General Revenue Fund	\$428,740
From Other Funds	514
Total	\$429,254

**SECTION 13.115.**— To the Office of Administration

For the Division of Facilities Management

For the State Auditor

For the payment of real property leases, related services, utilities, systems furniture,  
and structural modifications

Expense and Equipment	
From General Revenue Fund	\$126,054

**SECTION 13.120.**— To the Office of Administration

For the Division of Facilities Management

For the State Treasurer

For the payment of real property leases, related services, utilities, and systems  
furniture and structural modifications

Expense and Equipment	
From General Revenue Fund	\$4,388

**SECTION 13.125.**— To the Office of Administration

For the Division of Facilities Management

For the Attorney General

For the payment of real property leases, related services, utilities, systems furniture,  
and structural modifications

Expense and Equipment	
From General Revenue Fund	\$514,864
From Federal Funds	24,360
From Other Funds	1,092,408
Total	\$1,631,632

**SECTION 13.130.**— To the Office of Administration

For the Division of Facilities Management

For the Judiciary

For the Office of State Courts Administrator

For the payment of real property leases, related services, utilities, systems furniture,  
and structural modifications

Expense and Equipment	
From General Revenue Fund	\$1,424,634

From Federal Funds	63,026
From Other Funds	<u>195,966</u>
Total	\$1,683,626

**SECTION 13.135.**— To the Office of Administration

For the Division of Facilities Management

For the Judiciary

For the Eastern District Court of Appeals

For the payment of real property leases, related services, utilities, systems furniture,  
and structural modifications at the U.S. Custom House and Post Office

Building in St. Louis, Missouri

From General Revenue Fund \$1,118,515

**SECTION 13.140.**— There is transferred out of the State Treasury, chargeable to  
the funds shown below, for the transfer of funds from the leasing budget to  
the operating budget for modifications or systems furniture purchases in  
state-owned facilities, the following amount to the State Facility Maintenance  
and Operation Fund

From General Revenue Fund	\$2E
From Federal Funds	2E
From Other Funds	<u>2E</u>
Total	\$6

**SECTION 13.145.**— To the Office of Administration

For the Division of Facilities Management

For payment of rent shortfalls in the biennium

From General Revenue Fund	\$113,275
From Federal Funds	57,500
From Other Funds	<u>57,500</u>
Total	\$228,275

**YEAR ONE - LEASING TOTALS**

General Revenue Fund	\$26,448,932
Federal Funds	17,185,969
Other Funds	<u>5,973,022</u>
Total	\$49,607,923

**YEAR TWO - LEASING TOTALS**

General Revenue Fund	\$27,429,258
Federal Funds	17,068,557
Other Funds	<u>5,915,522</u>
Total	\$50,413,337

Approved May 30, 2003

HB 14 [HCS HB 14]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended  
to be omitted in the law.

**APPROPRIATIONS: OFFICE OF ADMINISTRATION FOR PRINCIPAL AND INTEREST DUE ON BONDS ISSUED BY BOARD OF PUBLIC BUILDINGS.**

AN ACT to appropriate money for the Office of Administration to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri beginning July 1, 2002 and ending June 30, 2003.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each Department enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2002 and ending June 30, 2003, as follows:

**SECTION 14.005.**— To the Office of Administration  
For the Division of Accounting  
For payment of principal and interest and all other amounts due on the bonds  
issued by the Board of Public Buildings pursuant to Sections 8.370 through  
8.460, RSMo and Sections 8.625 through 8.649, RSMo  
From General Revenue Fund . . . . . \$1E

**SECTION 14.010.**— There is transferred out of the state treasury, chargeable to  
the Board of Public Buildings Bond Proceeds Fund to the General Revenue  
Fund for the costs of qualified expenditures on the bonds issued by the Board  
of Public Buildings pursuant to Sections 8.370 through 8.460, RSMo and  
Sections 8.625 through 8.649, RSMo.  
From Board of Public Buildings Bond Proceeds Fund . . . . . \$150,000,000

Approved March 10, 2003

**HB 15 [CCS SCS HCS HB 15]**

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS: SUPPLEMENTAL PURPOSES.**

AN ACT to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2003.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, chargeable to the fund and for the agency and purpose designated, for the period ending June 30, 2003, as follows:

**SECTION 15.005.**— To the Department of Elementary and Secondary Education  
For the Division of General Administration

Expense and Equipment  
From Federal Funds . . . . . \$200,000

**SECTION 15.010.**— To the Department of Elementary and Secondary Education  
For the Division of School Improvement

Expense and Equipment  
From Federal Funds . . . . . \$1,700,000

**SECTION 15.015.**— To the Department of Elementary and Secondary Education  
For language acquisition pursuant to Title III of the No Child Left Behind Act

From Federal Funds . . . . . \$900,000

**SECTION 15.020.**— To the Department of Elementary and Secondary Education  
For the Refugee Children School Impact Grants Program

From Federal Funds . . . . . \$450,000

**SECTION 15.025.**— To the Department of Elementary and Secondary Education  
For the Vocational Rehabilitation Program

From Federal Funds . . . . . \$11,628,492

**SECTION 15.035.**— To the Department of Transportation  
For the Rail Program

For state participation in the joint state/federal Amtrak Rail Passenger Service  
Program

From General Revenue Fund . . . . . \$800,000

**SECTION 15.040.**— To the Office of Administration  
For the Division of Accounting

For the purpose of payment of contracts for maximization of reimbursements to the  
state. The division shall report each quarter to the General Assembly the amount  
of revenues generated and payments to contractors by maximization project

Expense and Equipment  
From General Revenue Fund . . . . . \$1E

**SECTION 15.045.**— To the Department of Public Safety  
For the Office of the Director

For the Local Law Enforcement Block Grant Program

From Federal Funds . . . . . \$125,000

**SECTION 15.050.**— To the Department of Public Safety  
For the Capitol Police

Expense & Equipment  
From General Revenue Fund . . . . . \$75,000

**SECTION 15.055.**— To the Department of Public Safety  
For the Adjutant General

For Missouri Military Forces Contract Services  
Personal Service

From Federal Funds (Not to exceed 7.50 F.T.E.) . . . . . \$240,000

**SECTION 15.060.**— To the Department of Corrections  
For the Division of Offender Rehabilitative Services

For the purpose of funding contractual services for offender physical and mental health care  
Expense and Equipment  
From General Revenue Fund . . . . . \$1,661,662

**SECTION 15.065.**— To the Department of Mental Health

For the Office of the Director

For the purpose of funding increased Medicaid payments related to state-operated ICF/MR upper payment limit claim payments

From Federal Funds . . . . . \$2,167,916  
From Mental Health Intergovernmental Transfer Fund . . . . . 1,372,695  
Total . . . . . \$3,540,611

**SECTION 15.070.**— To the Department of Social Services

For the Division of Budget and Finance

For the purpose of funding payments to counties toward the care and maintenance of each delinquent or dependent child as provided in Chapter 211.156, RSMo

From General Revenue Fund . . . . . \$200,000

**SECTION 15.072.**— To the Department of Social Services

For the Division of Family Services

For the purpose of funding General Relief Program payments

From General Revenue Fund . . . . . \$2,885,827  
From Federal Funds . . . . . 342,000  
Total . . . . . \$3,227,827

**SECTION 15.075.**— To the Department of Social Services

For the Division of Family Services

For the purpose of funding Blind Pension and supplemental payments to blind persons

From Blind Pension Fund . . . . . \$350,000

**SECTION 15.080.**— To the Department of Social Services

For the Division of Family Services

For the purpose of funding community services programs provided by Community Action Agencies as defined in Sections 660.370 through 660.374 RSMo, including programs to assist the homeless, recipients of general relief, and other low-income families under the provisions of the Community Services Block Grant

From Federal Funds . . . . . \$3,540,191

**SECTION 15.085.**— To the Department of Social Services

For the Division of Family Services

For the purpose of funding any program authorized under the provisions of House Bill 1111, Section 11.205, an Act of the 91st General Assembly, Second Regular Session

From General Revenue Fund . . . . . \$5,268,188  
From Federal Funds . . . . . 2,874,045  
Total . . . . . \$8,142,233

**SECTION 15.090.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of supplementing appropriations for any medical service under the Medicaid fee-for-service, managed care, or State Medical Program, including related services, and for the payment of a temporary pharmacy inflation trend factor at the percentage recommended by the Division's actuary in the western region managed care program, limited to services from April 2003 through June 2003. Funding for the temporary pharmacy inflation trend factor provided in this section is not to be placed into the core budget or carried forward into Fiscal Year 2004

From General Revenue Fund . . . . .	\$57,527,848
From Federal Funds . . . . .	158,131,636
From Intergovernmental Transfer Fund . . . . .	10,729,786
From Premium Fund . . . . .	2,829,718
From Federal Reimbursement Allowance Fund . . . . .	4,622,430
From Nursing Facility Federal Reimbursement Allowance Fund . . . . .	1,253,784
From Uncompensated Care Fund . . . . .	3,279,406
Total . . . . .	<u>\$238,374,608</u>

**SECTION 15.095.**— To the Governor

For conducting special audits

From General Revenue Fund . . . . .	\$30,000
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**SECTION 15.100.**— To the Office of the State Public Defender

For the purpose of funding the costs of extraordinary expenses related to legal representation and cases where conflict of interest exist  
Expense and Equipment

From General Revenue Fund . . . . .	\$250,000
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**BILL TOTALS**

General Revenue Fund . . . . .	\$68,698,526
Federal Funds . . . . .	188,175,494
Other Funds . . . . .	18,561,605
Total . . . . .	<u>\$275,435,625</u>

Approved March 21, 2003

**HB 16 [HCS HB 16]**

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS: CAPITAL IMPROVEMENTS.**

AN ACT to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2003 and ending June 30, 2005.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the state treasury, for the agency, program, and purpose stated, chargeable to the fund designated, for the period beginning July 1, 2003 and ending June 30, 2005 the unexpended balances available as of June 30, 2003 but not to exceed the amounts stated herein, as follows:

**SECTION 16.005.**— To the Office of Administration  
 For the Department of Elementary and Secondary Education  
 For supplemental ADA modifications at B.W. Shepard, Lakeview Woods, Maple Valley, and Trails West State Schools for the Severely Handicapped  
 Representing expenditures originally authorized under the provisions of House Bill Section 18.010, an Act of the 90th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill Section 16.012, an Act of the 91st General Assembly, First Regular Session  
 From Bingo Proceeds for Education Fund . . . . . \$445,624

**SECTION 16.010.**— To the Department of Elementary and Secondary Education  
 For the design, renovation, construction, and improvements of vocational technical schools. Local matching funds must be provided on a 50/50 state/local match rate in order to be eligible for state funds  
 For vocational education facilities in Rolla . . . . . \$1,500,000  
 For vocational education facilities in West Plains . . . . . 225,500  
 For vocational education facilities in Bonne Terre . . . . . 45,500  
 Representing expenditures originally authorized under the provisions of House Bill Section 1120.005, an Act of the 90th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill Section 16.338, an Act of the 91st General Assembly, First Regular Session . . . . .  
 From General Revenue Fund . . . . . \$1,771,000

**SECTION 16.015.**— To the Office of Administration  
 For the State Lottery Commission  
 For maintenance, repairs, replacements, and improvements at the Missouri Lottery Commission headquarters  
 Representing expenditures originally authorized under the provisions of House Bill Section 18.020, an Act of the 91st General Assembly, First Regular Session  
 From Lottery Enterprise Fund . . . . . \$108,206

**SECTION 16.020.**— To the Office of Administration  
 For the Division of Design and Construction  
 For emergency requirements for facilities statewide  
 Representing expenditures originally authorized under the provisions of House Bill Section 18.025, an Act of the 91st General Assembly, First Regular Session  
 From Office of Administration Revolving Administrative Trust Fund . . . . . \$50,000  
 From Facilities Maintenance Reserve Fund . . . . . 712,039  
 Total . . . . . \$762,039

**SECTION 16.025.**— To the Office of Administration  
 For the Division of Design and Construction  
 For statewide assessment, abatement, removal, remediation, and management of hazardous materials and pollutants

Representing expenditures originally authorized under the provisions of  
House Bill Section 18.030, an Act of the 91st General Assembly,  
First Regular Session  
From Facilities Maintenance Reserve Fund . . . . . \$339,981

**SECTION 16.030.**— To the Department of Natural Resources  
For the Division of State Parks  
For capital improvement expenditures of gifts, recoveries, recoupments, and  
grants to the state park system for the purpose specified, not to exceed the  
amount of such gifts, recoveries, recoupments, or grants  
Representing expenditures originally authorized under the provisions of  
House Bill Section 18.220, an Act of the 89th General Assembly, First  
Regular Session, and most recently authorized under the provisions of  
House Bill Section 16.132, an Act of the 91st General Assembly, First  
Regular Session  
From Department of Natural Resources-Federal and Other Funds . . . . . \$509,565E  
From State Parks Earnings Fund . . . . . 18,449E  
Total . . . . . \$528,014

**SECTION 16.035.**— To the Department of Natural Resources  
For the Division of State Parks  
For Intermodal Surface Transportation Efficiency Act grant matching funds  
Representing expenditures originally authorized under the provisions of  
House Bill Section 18.225, an Act of the 89th General Assembly, First  
Regular Session, and most recently authorized under the provisions of  
House Bill Section 16.134, an Act of the 91st General Assembly,  
First Regular Session  
From Parks Sales Tax Fund . . . . . \$77,585  
From State Parks Earnings Fund . . . . . 17,124  
Total . . . . . \$94,709

**SECTION 16.040.**— To the Department of Natural Resources  
For the Division of State Parks  
For design, renovation, construction, and improvements at historic sites and  
park facilities statewide  
Representing expenditures originally authorized under the provisions of  
House Bill Section 18.230, an Act of the 89th General Assembly, First  
Regular Session, and most recently authorized under the provisions of  
House Bill Section 16.138, an Act of the 91st General Assembly,  
First Regular Session  
From Parks Sales Tax Fund . . . . . \$1,216,702  
From State Parks Earnings Fund . . . . . 187,099  
Total . . . . . \$1,403,801

**SECTION 16.045.**— To the Department of Natural Resources  
For the Division of State Parks  
For design, renovation, construction and improvements at historic sites and  
parks facilities statewide  
Representing expenditures originally authorized under the provisions of  
House Bill Section 18.235, an Act of the 89th General Assembly, First  
Regular Session, and most recently authorized under the provisions of  
House Bill Section 16.140, an Act of the 91st General Assembly,

First Regular Session  
 From Parks Sales Tax Fund . . . . . \$344,056

**SECTION 16.050.**— To the Department of Natural Resources  
 For the Division of State Parks

For design, renovation, construction, and improvements at Bennett Spring, Rock Bridge, Sam A. Baker, Route 66, Washington, Thousand Hills, Elephant Rocks, Johnson's Shut Ins, Trail of Tears, Onondaga Cave, Lake Wappapello, Hawn, Babler, Katy Trail, Cuivre River, Mark Twain, Robertsville, Taum Sauk Mountain, Wallace, Big Lake, Stockton, Pomme de Terre, Lake of the Ozarks, Knob Noster, Roaring River, Crowder, Table Rock, Castlewood, Harry S. Truman, Graham Cave, and Pershing state parks and Scott Joplin, Jefferson Landing, Battle of Athens, Hunter-Dawson, Felix Valle, Mastodon, Deutschheim, Iliniwek Village, Pershing Home, and Confederate Memorial historic sites Representing expenditures originally authorized under the provisions of House Bill Section 18.110, an Act of the 90th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill Section 16.158, an Act of the 91st General Assembly, First Regular Session

From Parks Sales Tax Fund . . . . .	\$4,380,438
From State Parks Earnings Fund . . . . .	99,779
Total . . . . .	<u>\$4,480,217</u>

**SECTION 16.055.**— To the Department of Natural Resources  
 For the Division of State Parks

For the acquisition, restoration, development and maintenance of exhibits at parks and historic sites statewide  
 Representing expenditures originally authorized under the provisions of House Bill Section 18.120, an Act of the 90th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill Section 16.162, an Act of the 91st General Assembly, First Regular Session

From State Parks Earnings Fund . . . . .	\$370,216
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**SECTION 16.060.**— To the Department of Natural Resources  
 For the Division of State Parks

For upgrade and renovation of the water and wastewater systems at various parks statewide  
 Representing expenditures originally authorized under the provisions of House Bill Section 18.140, an Act of the 90th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill Section 16.166, an Act of the 91st General Assembly, First Regular Session

From Parks Sales Tax Fund . . . . .	\$478,203
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**SECTION 16.065.**— To the Department of Natural Resources  
 For the Division of State Parks

For capital improvement expenditures for recoupments, donations, and grants that are consistent with current operations and conceptual development plans. The expenditure of any single directed donation of funds greater than \$500,000 requires the approval of the chairperson or designee of both Senate Appropriations and House Budget committees

Representing expenditures originally authorized under the provisions of  
House Bill Section 18.065, an Act of the 91st General Assembly,  
First Regular Session  
From Federal Funds and Other Funds . . . . . \$107,308E

**SECTION 16.070.**— To the Department of Natural Resources  
For the Division of State Parks  
For maintenance, repairs, replacements, renovations, and improvements at park  
facilities statewide  
Representing expenditures originally authorized under the provisions of  
House Bill Section 18.075, an Act of the 91st General Assembly,  
First Regular Session  
From Parks Sales Tax Fund . . . . . \$2,721,476

**SECTION 16.075.**— To the Department of Natural Resources  
For the Division of State Parks  
For maintenance, repairs, replacements, and improvements to roads, parking  
lots, and trails at parks statewide  
Representing expenditures originally authorized under the provisions of  
House Bill Section 18.080, an Act of the 91st General Assembly, First  
Regular Session  
From State Parks Earnings Fund . . . . . \$319,316

**SECTION 16.080.**— To the Department of Natural Resources  
For the acquisition, restoration, development, and maintenance of exhibits at  
parks and historic sites statewide  
Representing expenditures originally authorized under the provisions of  
House Bill Section 18.085, an Act of the 91st General Assembly,  
First Regular Session  
From State Parks Earnings Fund . . . . . \$700,000

**SECTION 16.085.**— To the Department of Natural Resources  
For the Division of State Parks  
For repairs and improvements at Bollinger Mill, Watkins Woolen Mill, Roaring  
River, St. Francois, Washington, and Babler Memorial State Parks  
Representing expenditures originally authorized under the provisions of  
House Bill Section 18.095, an Act of the 91st General Assembly,  
First Regular Session  
From Park Sales Tax Fund . . . . . \$441,882  
From State Parks Earning Fund . . . . . 116,032  
Total . . . . . \$557,914

**SECTION 16.090.**— To the Department of Natural Resources  
For the Division of State Parks  
For purchases of land and appurtenances thereon, within, or adjacent to  
existing state parks and/or historic sites  
Representing expenditures originally authorized under the provisions of  
House Bill Section 19.020, an Act of the 91st General Assembly,  
First Regular Session  
From State Parks Earnings Fund . . . . . \$88,883

**SECTION 16.095.**— To the Department of Natural Resources

For the Division of State Parks	
For design, renovation, construction, property acquisition, and improvements at Bennett Spring, Mastadon, Route 66, Lewis & Clark, and Washington State Parks	
Representing expenditures originally authorized under the provisions of House Bill Section 19.025, an Act of the 91st General Assembly, First Regular Session	
From Federal Funds and Other Funds .....	\$98,155
From State Parks Earnings Fund .....	<u>277,540</u>
Total .....	\$375,695

**SECTION 16.100.**— To the Department of Conservation

For stream access acquisition and development; lake site acquisition and development; financial assistance to other public agencies or in partnership with other public agencies; land acquisition for upland wildlife, state forests, wetlands, and natural areas and additions to existing areas; for major improvements and repairs (including materials, supplies, and labor) to buildings, roads, hatcheries, and other departmental structures; and for soil conservation activities and erosion control on department land	
Representing expenditures originally authorized under the provisions of House Bill Section 19.030, an Act of the 91st General Assembly, First Regular Session	
From Conservation Commission Fund .....	\$21,558,597

**SECTION 16.110.**— To the Office of Administration

For the Department of Labor and Industrial Relations	
For maintenance, repairs, replacements, and improvements to the Springfield Job Service Office	
Representing expenditures originally authorized under the provisions of House Bill Section 18.115, an Act of the 91st General Assembly, First Regular Session	
From Special Employment Security Fund .....	\$82,322

**SECTION 16.115.**— To the Office of Administration

For the Department of Public Safety	
For repairs, replacements, and improvements at Missouri State Highway Patrol facilities statewide	
Representing expenditures originally authorized under the provisions of House Bill Section 18.125, an Act of the 91st General Assembly, First Regular Session	
From Office of Administration Revolving Administrative Trust Fund .....	\$1,111,879

**SECTION 16.120.**— To the Office of Administration

For the Adjutant General - Missouri National Guard	
For the federal real property operations and maintenance and minor construction program at non-armory facilities	
Representing expenditures originally authorized under the provisions of House Bill Section 18.145, an Act of the 91st General Assembly, First Regular Session	
From Federal Funds .....	\$2,084,987E

**SECTION 16.125.**— To the Office of Administration

For the Adjutant General - Missouri National Guard  
For the federal environmental compliance program at non-armory facilities  
Representing expenditures originally authorized under the provisions of  
House Bill Section 19.050, an Act of the 91st General Assembly,  
First Regular Session  
From Federal Funds . . . . . \$1,341,536

**SECTION 16.130.**— To the Office of Administration  
For the Adjutant General - Missouri National Guard  
For design of National Guard facilities statewide  
Representing expenditures originally authorized under the provisions of  
House Bill Section 19.065, an Act of the 91st General Assembly,  
First Regular Session  
From Federal Funds . . . . . \$1,742,895E

**SECTION 16.135.**— To the Office of Administration  
For the Adjutant General - Missouri National Guard  
For design and construction of a new armory in the Kansas City area  
Representing expenditures originally authorized under the provisions of  
House Bill Section 1120.005, an Act of the 91st General Assembly,  
Second Regular Session  
From Federal Funds . . . . . \$5,247,351

**SECTION 16.140.**— To the Office of Administration  
For the Department of Corrections  
For design, land acquisition, renovation, and construction of correctional  
facilities in or nearby the cities of Licking and Charleston, Missouri  
Representing expenditures originally authorized under the provisions of  
House Bill Section 18.315, an Act of the 89th General Assembly, First  
Regular Session, and most recently authorized under the provisions of  
House Bill Section 16.236, an Act of the 91st General Assembly,  
First Regular Session  
From General Revenue Fund . . . . . \$715,099  
From Federal Funds . . . . . 4,512,131E  
Total . . . . . \$5,227,230

**SECTION 16.145.**— To the Office of Administration  
For the Department of Corrections  
For maintenance, repairs, replacements, and improvements to facilities  
at the Missouri Eastern Correctional Center  
Representing expenditures originally authorized under the provisions of  
House Bill Section 18.170, an Act of the 91st General Assembly,  
First Regular Session  
From Facilities Maintenance Reserve Fund . . . . . \$1,100,986

**SECTION 16.150.**— To the Office of Administration  
For the Department of Corrections  
For planning and design of community corrections centers  
The Joint Committee on Corrections shall be notified to review the community  
corrections centers pilot plan and funding source prior to design and  
site location  
Representing expenditures originally authorized under the provisions of

House Bill Section 1120.010, an Act of the 91st General Assembly,  
Second Regular Session  
From Federal Funds ..... \$509,975

**SECTION 16.151.**— To the Office of Administration  
For the Department of Corrections  
For design, installation, and construction of fire and life-safety improvements at  
adult correctional centers and correctional enterprise facilities  
Representing expenditures originally authorized under the provisions of  
House Bill Section 18.245, an Act of the 90th General Assembly, First  
Regular Session, and most recently authorized under the provisions of  
House Bill Section 16.254, an Act of the 91st General Assembly,  
First Regular Session  
From Fourth State Building Fund ..... \$2,888,291

**SECTION 16.155.**— To the Office of Administration  
For the Department of Mental Health  
For design, construction, renovation, and improvements for electrical systems  
at the St. Louis Psychiatric Rehabilitation Center  
Representing expenditures originally authorized under the provisions of  
House Bill Section 19.080, an Act of the 91st General Assembly,  
First Regular Session  
From General Revenue Fund ..... \$131,549

**SECTION 16.160.**— To the Board of Public Buildings  
For the purpose of construction of a replacement Western Missouri Mental Health  
Center, construction of a replacement Jefferson City Correctional Center,  
construction of an office building in Cole County, buyout of existing  
Department of Mental Health lease-purchase facilities, and exercise the  
purchase option for certain leased buildings  
Representing expenditures originally authorized under the provisions of  
House Bill Section 18.103, an Act of the 90th General Assembly, First  
Regular Session, and most recently authorized under the provisions of  
House Bill Section 16.336, an Act of the 91st General Assembly,  
First Regular Session  
From Proceeds of Revenue Bonds ..... \$175,090,000

Approved May 30, 2003

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## HB 17 [SCS HCS HB 17]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS:** EXPENSES, GRANTS, REFUNDS, DISTRIBUTIONS AND OTHER PURPOSES FOR THE SEVERAL DEPARTMENTS OF STATE GOVERNMENT AND THE DIVISIONS AND PROGRAMS THEREOF.

AN ACT To appropriate money for expenses, grants, refunds, distributions and other purposes for the several departments of state government and the divisions and programs thereof to

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be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds designated herein.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28, of the Constitution of Missouri for the agency, program, and purpose stated, chargeable to the fund designated, for the period beginning July 1, 2003 and ending June 30, 2005 the unexpended balances as of June 30, 2003 but not to exceed the amounts stated herein, as follows:

**SECTION 17.005.**— To the University of Missouri Columbia School of Medicine  
For the telemedicine program

Representing expenditures originally authorized under the provisions of  
House Bill Section 14.005, an Act of the 91st General Assembly, First  
Regular Session and most recently authorized under the provisions of  
House Bill Section 1121.005, an Act of the 91st General Assembly,  
Second Regular Session

From Healthy Families Trust Fund - Health Care Account . . . . . \$2,791,374

**SECTION 17.010.**— To the University of Missouri  
For a program of research into Alzheimer's disease

All Expenditures

Representing expenditures originally authorized under the provisions of  
House Bill Section 3.230, an Act of the 91st General Assembly, First  
Regular Session and most recently authorized under the provisions of  
House Bill Section 1121.010, an Act of the 91st General Assembly,  
Second Regular Session

From General Revenue Fund . . . . . \$10,437

**SECTION 17.015.**— To the University of Missouri  
For Alzheimer's disease research

All Expenditures

Representing expenditures originally authorized under the provisions of  
House Bill Section 1103.230, an Act of the 91st General Assembly,  
Second Regular Session

From General Revenue Fund . . . . . \$206,573

**SECTION 17.020.**— To the Office of Administration

For the purpose of funding the Office of Information Technology  
Expense and Equipment

Representing expenditures originally authorized under the provisions of  
House Bill Section 5.225, an Act of the 90th General Assembly, First  
Regular Session and most recently authorized under the provisions of  
House Bill Section 17.026, an Act of the 91st General Assembly,  
First Regular Session

From Office of Administration Revolving Administrative Trust Fund . . . . . \$215,872

**SECTION 17.025.**— To the Office of Administration

For the Office of Information Technology

For project oversight

Personal Service and/or Expense and Equipment

From Office of Administration Revolving Administrative Trust Fund . . . . . \$156,950

For implementation of the Missouri E-Government Initiative

Personal Service and/or Expense and Equipment

From Office of Administration Revolving Administrative Trust Fund . . . . . 878,758

For the Justice Integration Project

Personal Service . . . . . 32,585

Expense and Equipment . . . . . 435,292

From Federal Funds . . . . . 467,877

Representing expenditures originally authorized under the provisions of  
House Bill Section 5.240, an Act of the 91st General Assembly, First  
Regular Session and most recently authorized under the provisions of  
House Bill Section 1121.020, an Act of the 91st General Assembly,  
Second Regular Session . . . . .

Total . . . . . \$1,503,585

**SECTION 17.030.**— To the Office of Administration

For the Justice Integration Project

Personal Service . . . . . \$845,955

Expense and Equipment . . . . . 7,901,788

From Federal Funds . . . . . 8,747,743

For a continuous availability study

Expense and Equipment

From Federal Funds . . . . . 600,000

For a Network Consolidation Project

Expense and Equipment

From Federal Funds . . . . . 600,000

Representing expenditures originally authorized under the provisions of  
House Bill Section 1105.505, an Act of the 91st General Assembly,  
Second Regular Session . . . . .

Total . . . . . \$9,947,743

**SECTION 17.035.**— To the Department of Agriculture

There is hereby transferred out of the State Treasury, chargeable to the General  
Revenue Fund, One Dollar to the Single Purpose Animal Facilities Loan  
Guarantee Fund

Representing expenditures originally authorized under the provisions of House  
Bill Section 1006.010, an Act of the 88th General Assembly, Second Regular  
Session and most recently authorized under the provisions of House Bill  
Section 17.040, an Act of the 91st General Assembly, First Regular Session

From General Revenue Fund . . . . . \$1E

**SECTION 17.040.**— To the Department of Agriculture

For the loan guarantees in accordance with Section 348.190, RSMo

Representing expenditures originally authorized under the provisions of  
House Bill Section 1006.015, an Act of the 88th General Assembly,  
Second Regular Session and most recently authorized under the  
provisions of House Bill Section 17.042, an Act of the 91st General  
Assembly, First Regular Session

From Single-Purpose Animal Facilities Loan Guarantee Fund . . . . . \$1E

**SECTION 17.045.**— To the Department of Agriculture

There is hereby transferred out of the State Treasury, chargeable to the General Revenue Fund, One Dollar to the Single-Purpose Animal Facilities Loan Guarantee Fund

Representing expenditures originally authorized under the provisions of House Bill Section 6.010, an Act of the 89th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.044, an Act of the 91st General Assembly, First Regular Session

From General Revenue Fund . . . . . \$1E

**SECTION 17.050.**— To the Department of Agriculture

For loan guarantees in accordance with Section 348.190, RSMo

Representing expenditures originally authorized under the provisions of House Bill Section 6.015, an Act of the 89th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.046, an Act of the 91st General Assembly, First Regular Session

From Single-Purpose Animal Facilities Loan Guarantee Fund . . . . . \$1E

**SECTION 17.055.**— To the Department of Agriculture

There is hereby transferred out of the State Treasury, chargeable to the General Revenue Fund, One Dollar to the Single-Purpose Animal Facilities Loan Guarantee Fund

Representing expenditures originally authorized under the provisions of House Bill Section 1006.010, an Act of the 89th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 17.048, an Act of the 91st General Assembly, First Regular Session

From General Revenue Fund . . . . . \$1E

**SECTION 17.060.**— To the Department of Agriculture

For loan guarantees as provided in Section 348.190, RSMo

Representing expenditures originally authorized under the provisions of House Bill Section 1006.011, an Act of the 89th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 17.050, an Act of the 91st General Assembly, First Regular Session

From Single-Purpose Animal Facilities Loan Guarantee Fund . . . . . \$1E

**SECTION 17.065.**— To the Department of Agriculture

There is hereby transferred out of the State Treasury, chargeable to the General Revenue Fund One Dollar to the Agricultural Products Utilization and Business Development Loan Guarantee Fund

Representing expenditures originally authorized under the provisions of House Bill Section 1006.023, an Act of the 89th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 17.054, an Act of the 91st General Assembly, First Regular Session

From General Revenue Fund . . . . . \$1E

**SECTION 17.070.**— To the Department of Agriculture

For the establishment and initial funding of loan guarantees as provided in Section 348.409, RSMo

Representing expenditures originally authorized under the provisions of House

Bill Section 1006.024, an Act of the 89th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 17.056, an Act of the 91st General Assembly, First Regular Session  
 From Agricultural Products Utilization and Business Development Loan Guarantee Fund . . . . . \$1E

**SECTION 17.075.**— To the Department of Natural Resources  
 For the Division of State Parks  
 For matching grants for Landmark Local Parks . . . . . \$2,338,666  
 For matching grants for Local Parks . . . . . 836,037  
 Representing expenditures originally authorized under the provisions of House Bill Section 6.280, an Act of the 90th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.062, an Act of the 91st General Assembly, First Regular Session \_\_\_\_\_  
 From General Revenue Fund . . . . . \$3,174,703

**SECTION 17.080.**— To the Department of Natural Resources  
 For the Division of State Parks  
 For matching grants for local parks  
 Representing expenditures originally authorized under the provisions of House Bill Section 1020.142, an Act of the 89th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 17.064, an Act of the 91st General Assembly, First Regular Session \_\_\_\_\_  
 From General Revenue Fund . . . . . \$263,790

**SECTION 17.085.**— To the Department of Natural Resources  
 For the Division of State Parks  
 For matching grants for Local Parks  
 Representing expenditures originally authorized under the provisions of House Bill Section 6.259, an Act of the 89th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.068, an Act of the 91st General Assembly, First Regular Session \_\_\_\_\_  
 From General Revenue Fund . . . . . \$196,873

**SECTION 17.090.**— To the Department of Natural Resources  
 For the Division of State Parks  
 For matching grants for Landmark Local Parks . . . . . \$1,151,526  
 For matching grants for Local Parks . . . . . 110,879  
 Representing expenditures originally authorized under the provisions of House Bill Section 1106.280, an Act of the 90th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 17.072, an Act of the 91st General Assembly, First Regular Session \_\_\_\_\_  
 From General Revenue Fund . . . . . \$1,262,405

**SECTION 17.095.**— To the Department of Natural Resources  
 For the Water Protection and Soil Conservation Division  
 For the state's share of construction grants for wastewater treatment facilities  
 Representing expenditures originally authorized under the provisions of House Bill Section 6.340, an Act of the 90th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.074, an Act of the 91st General Assembly, First Regular Session \_\_\_\_\_

From Water Pollution Control Fund . . . . . \$3,000,000

**SECTION 17.100.**— To the Department of Natural Resources

For the Water Protection and Soil Conservation Division

For the state's share of construction grants for wastewater treatment facilities

Representing expenditures originally authorized under the provisions of House

Bill Section 1106.340, an Act of the 90th General Assembly, Second Regular

Session and most recently authorized under the provisions of House Bill

Section 17.076, an Act of the 91st General Assembly, First Regular Session

From Water Pollution Control Fund . . . . . \$2,930,134

**SECTION 17.105.**— To the Department of Natural Resources

For the Water Protection and Soil Conservation Division

For Water Pollution Control Program

For the state's share of construction grants for wastewater treatment facilities

Representing expenditures originally authorized under the provisions of House

Bill Section 6.365, an Act of the 88th General Assembly, First Regular

Session and most recently authorized under the provisions of House Bill

Section 17.080, an Act of the 91st General Assembly, First Regular Session

From Water Pollution Control Fund . . . . . \$608,183

**SECTION 17.110.**— To the Department of Natural Resources

For the Water Protection and Soil Conservation Division

For Water Pollution Control Program Facilities

For the state's share of construction grants for wastewater treatment facilities

Representing expenditures originally authorized under the provisions of House

Bill Section 1006.365, an Act of the 88th General Assembly, Second Regular

Session and most recently authorized under the provisions of House Bill

Section 17.082, an Act of the 91st General Assembly, First Regular Session

From Water Pollution Control Fund . . . . . \$19,608

**SECTION 17.115.**— To the Department of Natural Resources

For the Water Protection and Soil Conservation Division

For Water Pollution Control Program

For the state's share of construction grants for wastewater treatment facilities

Representing expenditures originally authorized under the provisions of House

Bill Section 6.365, an Act of the 89th General Assembly, First Regular

Session and most recently authorized under the provisions of House Bill

Section 17.084, an Act of the 91st General Assembly, First Regular Session

From Water Pollution Control Fund . . . . . \$1,405,989

**SECTION 17.120.**— To the Department of Natural Resources

For the Water Protection and Soil Conservation Division

For Water Pollution Control Program

For the state's share of construction grants for wastewater treatment facilities

Representing expenditures originally authorized under the provisions of House

Bill Section 1006.365, an Act of the 89th General Assembly, Second Regular

Session and most recently authorized under the provisions of House Bill

Section 17.086, an Act of the 91st General Assembly, First Regular Session

From Water Pollution Control Fund . . . . . \$2,371,399

**SECTION 17.125.**— There is transferred out of the State Treasury, chargeable

to the Water Pollution Control Fund, Ten Million, Six Hundred Thousand Dollars to the Water and Wastewater Loan Fund  
 Representing expenditures originally authorized under the provisions of House Bill Section 6.344, an Act of the 90th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.088, an Act of the 91st General Assembly, First Regular Session  
 From Water Pollution Control Fund . . . . . \$10,600,000

**SECTION 17.130.**— There is transferred out of the State Treasury, chargeable to the Water Pollution Control Fund, Nine Million, Six Hundred Forty-five Thousand, Three Hundred Fifty-one Dollars to the Water and Wastewater Loan Fund  
 Representing expenditures originally authorized under the provisions of House Bill Section 6.367, an Act of the 88th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.092, an Act of the 91st General Assembly, First Regular Session  
 From Water Pollution Control Fund . . . . . \$9,645,351

**SECTION 17.135.**— There is transferred out of the State Treasury, chargeable to the Water Pollution Control Fund, Five Million, Eight Hundred Seventy-seven Thousand, One Hundred Twenty Dollars to the Water and Wastewater Loan Fund  
 Representing expenditures originally authorized under the provisions of House Bill Section 1006.367, an Act of the 88th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 17.094, an Act of the 91st General Assembly, First Regular Session  
 From Water Pollution Control Fund . . . . . \$5,877,120

**SECTION 17.140.**— To the Department of Natural Resources  
 For the Water Protection and Soil Conservation Division  
 There is transferred out of the State Treasury, chargeable to the Water Pollution Control Fund, Ten Million, Five Hundred Fifty-seven Thousand, One Hundred Twenty-eight Dollars to the Water and Wastewater Loan Fund  
 Representing expenditures originally authorized under the provisions of House Bill Section 6.367, an Act of the 89th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.096, an Act of the 91st General Assembly, First Regular Session  
 From Water Pollution Control Fund . . . . . \$10,557,128

**SECTION 17.145.**— There is transferred out of the State Treasury, chargeable to the Water Pollution Control Fund, Ten Million, Six Hundred Thousand Dollars to the Water and Wastewater Loan Fund  
 Representing expenditures originally authorized under the provisions of House Bill Section 1006.367, an Act of the 89th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 17.098, an Act of the 91st General Assembly, First Regular Session  
 From Water Pollution Control Fund . . . . . \$10,600,000

**SECTION 17.150.**— There is transferred out of the State Treasury, chargeable to the Water Pollution Control Fund, Two Million, Two Hundred Seventy-one Thousand, Eight Hundred Five Dollars to the Water and Wastewater Loan Fund and/or the Water and Wastewater Loan Revolving Fund

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Representing expenditures originally authorized under the provisions of House  
Bill Section 1106.344, an Act of the 90th General Assembly, Second Regular  
Session and most recently authorized under the provisions of House Bill  
Section 17.100, an Act of the 91st General Assembly, First Regular Session  
From Water Pollution Control Fund . . . . . \$2,271,805

**SECTION 17.155.**— To the Department of Natural Resources

For the Water Protection and Soil Conservation Division

For loans for wastewater treatment facilities pursuant to Sections 644.026-644.124,  
RSMo

Representing expenditures originally authorized under the provisions of House  
Bill Section 6.345, an Act of the 90th General Assembly, First Regular  
Session and most recently authorized under the provisions of House Bill  
Section 17.102, an Act of the 91st General Assembly, First Regular Session  
From Water and Wastewater Loan Fund and/or Water and Wastewater Loan  
Revolving Fund . . . . . \$45,499,471

**SECTION 17.160.**— To the Department of Natural Resources

For the Water Protection and Soil Conservation Division

For loans for wastewater treatment facilities pursuant to Sections 644.026-644.124,  
RSMo

Representing expenditures originally authorized under the provisions of House  
Bill Section 1106.345, an Act of the 90th General Assembly, Second Regular  
Session and most recently authorized under the provisions of House Bill  
Section 17.104, an Act of the 91st General Assembly, First Regular Session  
From Water and Wastewater Loan Fund and/or Water and Wastewater Loan  
Revolving Fund . . . . . \$58,161,382

**SECTION 17.165.**— To the Department of Natural Resources

For the Water Protection and Soil Conservation Division

For the Water Pollution Control Program

For loans for wastewater treatment facilities pursuant to Sections 644.026-644.124,  
RSMo

Representing expenditures originally authorized under the provisions of House  
Bill Section 6.368, an Act of the 87th General Assembly, First Regular  
Session and most recently authorized under the provisions of House Bill  
Section 17.106, an Act of the 91st General Assembly, First Regular Session  
From Water and Wastewater Loan Fund . . . . . \$767,374

**SECTION 17.170.**— To the Department of Natural Resources

For the Water Protection and Soil Conservation Division

For the Water Pollution Control Program

For loans for wastewater treatment facilities pursuant to Sections 644.026-644.124,  
RSMo

Representing expenditures originally authorized under the provisions of House  
Bill Section 1006.368, an Act of the 87th General Assembly, Second Regular  
Session and most recently authorized under the provisions of House Bill  
Section 17.108, an Act of the 91st General Assembly, First Regular Session  
From Water and Wastewater Loan Fund . . . . . \$5,731,481

**SECTION 17.175.**— To the Department of Natural Resources

For the Water Protection and Soil Conservation Division

For the Water Pollution Control Program  
 For the purpose of funding loans for wastewater treatment facilities pursuant to  
   Sections 644.026-644.124, RSMo  
 Representing expenditures originally authorized under the provisions of House  
   Bill Section 6.368, an Act of the 88th General Assembly, First Regular  
   Session and most recently authorized under the provisions of House Bill  
   Section 17.110, an Act of the 91st General Assembly, First Regular Session  
 From Water and Wastewater Loan Fund and/or Water and Wastewater Loan  
   Revolving Fund . . . . . \$1,726,497

**SECTION 17.180.**— To the Department of Natural Resources  
 For the Water Protection and Soil Conservation Division  
 For the Water Pollution Control Program  
 For the purpose of funding loans for wastewater treatment facilities pursuant to  
   Sections 644.026-644.124, RSMo  
 Representing expenditures originally authorized under the provisions of House  
   Bill Section 1006.368, an Act of the 88th General Assembly, Second Regular  
   Session and most recently authorized under the provisions of House Bill  
   Section 17.112, an Act of the 91st General Assembly, First Regular Session  
 From Water and Wastewater Loan Fund and/or Water and Wastewater Loan  
   Revolving Fund . . . . . \$411,641

**SECTION 17.185.**— To the Department of Natural Resources  
 For the Water Protection and Soil Conservation Division  
 For the Water Pollution Control Program  
 For the purpose of funding loans for wastewater treatment facilities pursuant to  
   Sections 644.026-644.124, RSMo  
 Representing expenditures originally authorized under the provisions of House  
   Bill Section 6.368, an Act of the 89th General Assembly, First Regular  
   Session and most recently authorized under the provisions of House Bill  
   Section 17.114, an Act of the 91st General Assembly, First Regular Session  
 From Water and Wastewater Loan Fund and/or Water and Wastewater Loan  
   Revolving Fund . . . . . \$12,233,166

**SECTION 17.190.**— To the Department of Natural Resources  
 For the Water Protection and Soil Conservation Division  
 For the Water Pollution Control Program  
 For the purpose of funding loans for wastewater treatment facilities pursuant to  
   Sections 644.026-644.124, RSMo  
 Representing expenditures originally authorized under the provisions of House  
   Bill Section 1006.368, an Act of the 89th General Assembly, Second Regular  
   Session and most recently authorized under the provisions of House Bill  
   Section 17.116, an Act of the 91st General Assembly, First Regular Session  
 From Water and Wastewater Loan Fund and/or Water and Wastewater Loan  
   Revolving Fund . . . . . \$26,640,255

**SECTION 17.195.**— To the Department of Natural Resources  
 For the Water Protection and Soil Conservation Division  
 For loans for drinking water systems pursuant to Sections 644.026-644.124,  
   RSMo  
 Representing expenditures originally authorized under the provisions of House  
   Bill Section 6.350, an Act of the 90th General Assembly, First Regular

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Session and most recently authorized under the provisions of House Bill  
Section 17.118, an Act of the 91st General Assembly, First Regular Session  
From Water and Wastewater Loan Fund . . . . . \$21,794,455

**SECTION 17.200.**— To the Department of Natural Resources  
For the Water Protection and Soil Conservation Division  
For the Water Pollution Control Program  
For the purpose of funding loans for drinking water systems pursuant to Sections  
644.026-644.124, RSMo  
Representing expenditures originally authorized under the provisions of House  
Bill Section 1006.369, an Act of the 89th General Assembly, Second Regular  
Session and most recently authorized under the provisions of House Bill  
Section 17.122, an Act of the 91st General Assembly, First Regular Session  
From Water and Wastewater Loan Fund . . . . . \$14,011,269

**SECTION 17.205.**— To the Department of Natural Resources  
For the Water Protection and Soil Conservation Division  
For loans for drinking water systems pursuant to Sections 644.026-644.124,  
RSMo  
Representing expenditures originally authorized under the provisions of House  
Bill Section 1106.350, an Act of the 90th General Assembly, Second Regular  
Session and most recently authorized under the provisions of House Bill  
Section 17.124, an Act of the 91st General Assembly, First Regular Session  
From General Revenue Fund . . . . . \$673,194  
From Water and Wastewater Loan Fund . . . . . 22,000,000  
Total . . . . . \$22,673,194

**SECTION 17.210.**— To the Department of Natural Resources  
For the Water Protection and Soil Conservation Division  
For the Clean Water Commission  
For stormwater control grants or loans  
Representing expenditures originally authorized under the provisions of House  
Bill Section 6.355, an Act of the 90th General Assembly, First Regular  
Session and most recently authorized under the provisions of House Bill  
Section 17.126, an Act of the 91st General Assembly, First Regular Session  
From Water Pollution Control Fund . . . . . \$640,550  
From Stormwater Control Fund . . . . . 12,077,811  
Total . . . . . \$12,718,361

**SECTION 17.215.**— To the Department of Natural Resources  
For the Water Protection and Soil Conservation Division  
For the Clean Water Commission  
For stormwater control grants or loans  
Representing expenditures originally authorized under the provisions of House  
Bill Section 1106.355, an Act of the 90th General Assembly, Second Regular  
Session and most recently authorized under the provisions of House Bill  
Section 17.128, an Act of the 91st General Assembly, First Regular Session  
From Stormwater Control Fund . . . . . \$17,450,566

**SECTION 17.220.**— To the Department of Natural Resources  
For the Water Protection and Soil Conservation Division  
For the Clean Water Commission

For the purpose of funding stormwater control grants under the provisions of  
 Section 644.031, RSMo  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 6.370, an Act of the 88th General Assembly, First Regular  
 Session and most recently authorized under the provisions of House Bill  
 Section 17.130, an Act of the 91st General Assembly, First Regular Session  
 From Water Pollution Control Fund . . . . . \$450,409

**SECTION 17.225.**— To the Department of Natural Resources  
 For the Water Protection and Soil Conservation Division  
 For the Clean Water Commission  
 For the purpose of funding stormwater control grants under the provisions of  
 Section 644.031, RSMo  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 6.370, an Act of the 89th General Assembly, First Regular  
 Session and most recently authorized under the provisions of House Bill  
 Section 17.132, an Act of the 91st General Assembly, First Regular Session  
 From Water Pollution Control Fund . . . . . \$644,389

**SECTION 17.230.**— To the Department of Natural Resources  
 For the Water Protection and Soil Conservation Division  
 For the Clean Water Commission  
 For the purpose of funding stormwater control grants under the provisions of  
 Section 644.031, RSMo  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 1006.370, an Act of the 89th General Assembly, Second Regular  
 Session and most recently authorized under the provisions of House Bill  
 Section 17.134, an Act of the 91st General Assembly, First Regular Session  
 From Water Pollution Control Fund . . . . . \$449,975

**SECTION 17.235.**— To the Department of Natural Resources  
 For the Water Protection and Soil Conservation Division  
 For a loan interest-share program  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 1106.405, an Act of the 90th General Assembly, Second Regular  
 Session and most recently authorized under the provisions of House Bill  
 Section 17.140, an Act of the 91st General Assembly, First Regular Session  
 From Soil and Water Sales Tax Fund . . . . . \$697,061

**SECTION 17.240.**— To the Department of Natural Resources  
 For the Air and Land Protection Division  
 For implementation provisions of Solid Waste Management Law in accordance  
 with Sections 260.250-260.345, RSMo, and Section 260.432, RSMo  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 1106.425, an Act of the 90th General Assembly, Second Regular  
 Session and most recently authorized under the provisions of House Bill  
 Section 17.152, an Act of the 91st General Assembly, First Regular Session  
 From Solid Waste Management Fund - Scrap Tire Subaccount . . . . . \$715,123

**SECTION 17.245.**— To the Department of Natural Resources  
 For the Water Protection and Soil Conservation Division  
 For grants to colleges and universities for research projects on soil erosion

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and conservation  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 1106.415, an Act of the 90th General Assembly, Second Regular  
 Session and most recently authorized under the provisions of House Bill  
 Section 17.164, an Act of the 91st General Assembly, First Regular Session  
 From Soil and Water Sales Tax Fund . . . . . \$115,562

**SECTION 17.250.**— To the Department of Natural Resources  
 For all expenses related to the Lewis and Clark Bicentennial  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 6.213, an Act of the 91st General Assembly, First Regular  
 Session and most recently authorized under the provisions of House Bill  
 Section 1121.025, an Act of the 91st General Assembly, Second Regular Session  
 From General Revenue Fund . . . . . \$629,699  
 From Intergovernmental Transfer Fund . . . . . 582,065  
 Total . . . . . \$1,211,764

**SECTION 17.255.**— To the Department of Natural Resources  
 For the Outreach and Assistance Center  
 For the Historic Preservation Program  
 For the purpose of funding a grant for research and other expenses associated with  
 the State Capitol book project  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 6.267, an Act of the 91st General Assembly, First Regular Session  
 and most recently authorized under the provisions of House Bill Section  
 1121.030, an Act of the 91st General Assembly, Second Regular Session  
 From General Revenue Fund . . . . . \$16,750

**SECTION 17.260.**— To the Department of Natural Resources  
 For the Water Protection and Soil Conservation Division  
 For the state's share of construction grants for wastewater treatment facilities  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 6.340, an Act of the 91st General Assembly, First Regular Session  
 and most recently authorized under the provisions of House Bill Section  
 1121.035, an Act of the 91st General Assembly, Second Regular Session  
 From Water Pollution Control Fund . . . . . \$2,211,714

**SECTION 17.265.**— Funds are to be transferred out of the State Treasury,  
 chargeable to the Water Pollution Control Fund, to the Water and Wastewater  
 Loan Fund, and/or the Water and Wastewater Loan Revolving Fund  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 6.344, an Act of the 91st General Assembly, First Regular Session  
 and most recently authorized under the provisions of House Bill Section  
 1121.040, an Act of the 91st General Assembly, Second Regular Session  
 From Water Pollution Control Fund . . . . . \$3,183,659

**SECTION 17.270.**— To the Department of Natural Resources  
 For the Water Protection and Soil Conservation Division  
 For loans for wastewater treatment facilities pursuant to Sections 644.026-644.124  
 RSMo  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 6.345, an Act of the 91st General Assembly, First Regular Session

and most recently authorized under the provisions of House Bill Section 1121.045, an Act of the 91st General Assembly, Second Regular Session  
 From Water and Wastewater Loan Fund and/or Water and Wastewater Loan Revolving Fund . . . . . \$55,251,861

**SECTION 17.275.**— To the Department of Natural Resources

For the Water Protection and Soil Conservation Division

For loans for drinking water systems pursuant to Sections 644.026-644.124, RSMo

Representing expenditures originally authorized under the provisions of House Bill Section 6.350, an Act of the 91st General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 1121.050, an Act of the 91st General Assembly, Second Regular Session  
 From General Revenue Fund . . . . . \$1,835,405  
 From Water and Wastewater Loan Fund . . . . . 22,000,000  
 Total . . . . . \$23,835,405

**SECTION 17.280.**— To the Department of Natural Resources

For the Water Protection and Soil Conservation Division

For rural sewer and water grants and loans

Representing expenditures originally authorized under the provisions of House Bill Section 6.360, an Act of the 91st General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 1121.060, an Act of the 91st General Assembly, Second Regular Session  
 From Water Pollution Control Fund . . . . . \$11,060,170

**SECTION 17.285.**— To the Department of Natural Resources

For the Water Protection and Soil Conservation Division

For a special area land treatment program

Representing expenditures originally authorized under the provisions of House Bill Section 6.410, an Act of the 91st General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 1121.070, an Act of the 91st General Assembly, Second Regular Session  
 From Soil and Water Sales Tax Fund . . . . . \$4,954,255

**SECTION 17.290.**— To the Department of Natural Resources

For the Water Protection and Soil Conservation Division

For grants to colleges and universities for research projects on soil erosion and conservation

Representing expenditures originally authorized under the provisions of House Bill Section 6.415, an Act of the 91st General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 1121.075, an Act of the 91st General Assembly, Second Regular Session  
 From Soil and Water Sales Tax Fund . . . . . \$112,602

**SECTION 17.295.**— To the Department of Natural Resources

For the Air and Land Protection Division

For implementation provisions of Solid Waste Management Law in accordance with Sections 260.250-260.345, RSMo and Section 260.432, RSMo

Representing expenditures originally authorized under the provisions of House Bill Section 6.425, an Act of the 91st General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section

1121.080, an Act of the 91st General Assembly, Second Regular Session	
From Solid Waste Management Fund .....	\$4,007,610
From Solid Waste Management Fund - Scrap Tire Subaccount .....	<u>1,634,050</u>
Total .....	\$5,641,660

**SECTION 17.300.**— To the Department of Natural Resources

For the Division of State Parks

For Administration and Support

For grants-in-aid from the Land and Water Conservation Fund and other funds to  
state agencies and political subdivisions for outdoor recreation projectsRepresenting expenditures originally authorized under the provisions of House  
Bill Section 1106.295, an Act of the 91st General Assembly, Second  
Regular Session

From Federal Funds ..... \$1,695,689

**SECTION 17.305.**— To the Department of Natural Resources

For the Water Protection and Soil Conservation Division

For the state's share of construction grants for wastewater treatment facilities

From Water Pollution Control Fund ..... \$3,000,000

For loans for wastewater treatment facilities pursuant to Sections 644.026-644.124,  
RSMoFrom Water and Wastewater Loan Fund and/or Water and Wastewater Loan  
Revolving Fund ..... 60,000,000

For rural sewer and water grants and loans

From Water Pollution Control Fund ..... 17,116,872

For stormwater control grants or loans

From Stormwater Control Fund ..... 5,750,000

For loans for drinking water systems pursuant to Sections 644.026-644.124,  
RSMo

From General Revenue Fund ..... 2,105,974

From Water and Wastewater Loan Fund and/or Water and Wastewater Loan  
Revolving Fund ..... 17,350,000Representing expenditures originally authorized under the provisions of House  
Bill Section 1106.335, an Act of the 91st General Assembly, Second  
Regular Session .....Total ..... \$105,322,846**SECTION 17.310.**— There is transferred out of the State Treasury, chargeable to  
the Water Pollution Control Fund, Ten Million, Six Hundred Thousand  
Dollars to the Water and Wastewater Loan Fund and/or the Water and  
Wastewater Loan Revolving FundRepresenting expenditures originally authorized under the provisions of House  
Bill Section 1106.340, an Act of the 91st General Assembly, Second  
Regular Session

From Water Pollution Control Fund ..... \$10,600,000

**SECTION 17.315.**— To the Department of Natural Resources

For the Water Protection and Soil Conservation Division

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For soil and water conservation cost-share grants .....	\$10,391,871
For a loan interest-share program .....	733,500
For a special area land treatment program .....	6,221,687
For grants to colleges and universities for research projects on soil erosion and conservation .....	160,000
Representing expenditures originally authorized under the provisions of House Bill Section 1106.350, an Act of the 91st General Assembly, Second Regular Session .....	
From Soil and Water Sales Tax Fund .....	<u>\$17,507,058</u>

**SECTION 17.320.**— To the Department of Natural Resources

For the Air and Land Protection Division

For implementation provisions of Solid Waste Management Law in accordance with Sections 260.250-260.345, RSMo and Section 260.432, RSMo

Representing expenditures originally authorized under the provisions of House

Bill Section 1106.375, an Act of the 91st General Assembly, Second Regular Session

From Solid Waste Management Fund .....	\$6,168,372
From Solid Waste Management Fund - Scrap Tire Subaccount .....	<u>1,637,000</u>
Total .....	<u>\$7,805,372</u>

**SECTION 17.325.**— To the Department of Economic Development

For the Missouri Lewis and Clark Bicentennial Commission

Representing expenditures originally authorized under the provisions of House

Bill Section 1107.080, an Act of the 90th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 17.170, an Act of the 91st General Assembly, First Regular Session

From General Revenue Fund .....	\$140,000
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**SECTION 17.340.**— To the Department of Economic Development

Funds are to be transferred out of the State Treasury, chargeable to the General

Revenue Fund to the Missouri Supplemental Tax Increment Financing Fund

Representing expenditures originally authorized under the provisions of House

Bill Section 7.055, an Act of the 91st General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 1121.100, an Act of the 91st General Assembly, Second Regular Session

From General Revenue Fund .....	\$2,099,036
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**SECTION 17.345.**— To the Department of Economic Development

For Missouri supplemental tax increment financing as provided in Section 99.845,

RSMo. This appropriation may be used for the following projects: Kansas

City Midtown, Excelsior Springs Elms Hotel, Independence Santa Fe Trail

Neighborhood, St. Louis City Convention Hotel, and Cupples Station. In

accordance with Section 99.845, RSMo, the appropriation shall not be made

unless the applications for the projects have been approved by the Director

of the Department of Economic Development and the Commissioner of the

Office of Administration

Representing expenditures originally authorized under the provisions of House

Bill Section 7.060, an Act of the 91st General Assembly, First Regular Session

and most recently authorized under the provisions of House Bill Section

1121.105, an Act of the 91st General Assembly, Second Regular Session

From Missouri Supplemental Tax Increment Financing Fund .....	\$2,099,036
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**SECTION 17.350.**— To the Department of Economic Development  
 For funding new and expanding industry training programs and basic industry  
 retraining programs  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 1107.045, an Act of the 91st General Assembly, Second  
 Regular Session  
 From Missouri Job Development Fund . . . . . \$6,720,661

**SECTION 17.355.**— To the Department of Economic Development  
 There is transferred out of the State Treasury, chargeable to the General Revenue  
 Fund, One Million, One Hundred Eighty Thousand Dollars to the Missouri  
 Supplemental Tax Increment Financing Fund  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 1107.060, an Act of the 91st General Assembly, Second  
 Regular Session  
 From General Revenue Fund . . . . . \$1,180,000

**SECTION 17.360.**— To the Department of Economic Development  
 For Missouri supplemental tax increment financing as provided in Section 99.845,  
 RSMo. This appropriation may be used for the following projects: Kansas  
 City Midtown, Excelsior Springs Elms Hotel, Independence Santa Fe Trail  
 Neighborhood, St. Louis City Convention Hotel, Cupples Station, Three  
 Trails Center, Jordan Valley Park, and Branson Project. In accordance  
 with Section 99.845, RSMo, the appropriation shall not be made unless  
 the applications for the projects have been approved by the Director of the  
 Department of Economic Development and the Commissioner of the  
 Office of Administration  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 1107.065, an Act of the 91st General Assembly, Second  
 Regular Session  
 From Missouri Supplemental Tax Increment Financing Fund . . . . . \$1,180,000

**SECTION 17.365.**— To the Department of Economic Development  
 For the Division of Tourism to include coordination of advertising of at least  
 \$170,000 for the Missouri State Fair  
 Expense and Equipment  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 1107.125, an Act of the 91st General Assembly, Second  
 Regular Session  
 From Division of Tourism Supplemental Revenue Fund . . . . . \$6,250,000

**SECTION 17.370.**— To the Department of Economic Development  
 For general administration of the Division of Professional Registration  
 Expense and Equipment  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 1107.210, an Act of the 91st General Assembly, Second  
 Regular Session  
 From Professional Registration Fees Fund . . . . . \$675,000

**SECTION 17.375.**— To the Department of Public Safety  
 For the State Highway Patrol  
 For the Enforcement Program

## Expense and Equipment

Representing expenditures originally authorized under the provisions of House Bill Section 8.125, an Act of the 91st General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 1121.120, and Act of the 91st General Assembly, Second Regular Session

From Federal Funds . . . . . \$317,880

**SECTION 17.380.**— To the Department of Public Safety

For the Missouri Veterans' Commission

For Administration and Service to Veterans

## Expense and Equipment

Representing expenditures originally authorized under the provisions of House Bill Section 1108.215, an Act of the 91st General Assembly, Second Regular Session

From Veterans' Commission Capital Improvement Trust Fund . . . . . \$130,000

**SECTION 17.385.**— To the Adjutant General

For the World War II Veterans' Recognition Program

## Expense and Equipment

Representing expenditures originally authorized under the provisions of House Bill Section 8.265, an Act of the 91st General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 1121.130, an Act of the 91st General Assembly, Second Regular Session

From Veterans' Commission Capital Improvement Trust Fund . . . . . \$156,071

**SECTION 17.390.**— To the Department of Social Services

For the Division of Medical Services

For operation of the Information System

Representing expenditures originally authorized under the provisions of House Bill Section 1011.410, an Act of the 89th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 17.210, an Act of the 91st General Assembly, First Regular Session

From General Revenue Fund . . . . . \$2,427,406

From Federal Funds . . . . . 8,074,675

Total . . . . . \$10,502,081

**SECTION 17.395.**— To the Department of Social Services

For the Division of Medical Services

For administrative services

## Expense and Equipment

Representing expenditures originally authorized under the provisions of House Bill Section 11.400, an Act of the 91st General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 1121.155, an Act of the 91st General Assembly, Second Regular Session

From Federal Funds . . . . . \$1,457,831

From Intergovernmental Transfer Fund . . . . . 485,944

Total . . . . . \$1,943,775

**SECTION 17.400.**— To the Secretary of State

For the Missouri State Library

For the purpose of funding costs related to library automation

Representing expenditures originally authorized under the provisions of House

Bill Section 1020.155, an Act of the 88th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 17.216, an Act of the 91st General Assembly, First Regular Session  
From General Revenue Fund . . . . . \$185,000

**SECTION 17.405.**— To the Secretary of State

For local records preservation grants

Representing expenditures originally authorized under the provisions of House Bill Section 12.075, an Act of the 91st General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 1121.165, an Act of the 91st General Assembly, Second Regular Session

From Local Records Preservation Fund . . . . . \$161,461

**SECTION 17.410.**— To the Secretary of State

Expense and Equipment

Representing expenditures originally authorized under the provisions of House Bill Section 1112.045, an Act of the 91st General Assembly, Second Regular Session

From General Revenue Fund . . . . . \$67,807

**SECTION 17.415.**— To the Secretary of State

For historical repository grants

Representing expenditures originally authorized under the provisions of House Bill Section 1112.065, an Act of the 91st General Assembly, Second Regular Session

From Federal Funds . . . . . \$10,000

**SECTION 17.420.**— To the Secretary of State

For the preservation of nationally significant records at the local level

Representing expenditures originally authorized under the provisions of House Bill Section 1112.070, an Act of the 91st General Assembly, Second Regular Session

From Federal Funds . . . . . \$80,000

**SECTION 17.430.**— To the Department of Social Services

For systems furniture

Expense and Equipment

Representing expenditures originally authorized under the provisions of House Bill Section 13.095, an Act of the 90th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.232, an Act of the 91st General Assembly, First Regular Session

From General Revenue Fund . . . . . \$395,275

From Federal Funds . . . . . 210,612

From Nursing Facility Quality of Care Fund . . . . . 8,084

Total . . . . . \$613,971

Approved May 30, 2003

## HB 18 [HCS HB 18]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS: CAPITAL IMPROVEMENT PROJECTS INVOLVING MAINTENANCE, REPAIR, REPLACEMENT, AND IMPROVEMENT OF STATE BUILDINGS AND FACILITIES, INCLUDING INSTALLATION, MODIFICATION, AND RENOVATION OF FACILITY COMPONENTS, EQUIPMENT OR SYSTEMS, AND TO TRANSFER MONEY AMONG CERTAIN FUNDS.**

AN ACT to appropriate money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems, and to transfer money among certain funds.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the state treasury, for the agency, program, and purpose stated, chargeable to the fund designated for the period beginning July 1, 2003 and ending June 30, 2005, as follows:

**SECTION 18.010.**— To the Office of Administration  
For the Department of Elementary and Secondary Education  
For maintenance, repairs, replacements, and improvements at the Missouri  
School for the Blind  
From Bingo Proceeds for Education Fund . . . . . \$987,371

**SECTION 18.015.**— To the Office of Administration  
For the Department of Elementary and Secondary Education  
For maintenance, repairs, replacements, and improvements at the Missouri  
School for the Deaf  
From Bingo Proceeds for Education Fund . . . . . \$245,856

**SECTION 18.020.**— To the Office of Administration  
For the State Lottery Commission  
For maintenance, repairs, replacements, and improvements at the Missouri  
Lottery Commission headquarters  
From Lottery Enterprise Fund . . . . . \$136,341

**SECTION 18.026.**— To the Office of Administration  
For the Division of Design and Construction  
For maintenance, repairs, replacements and improvements at facilities statewide  
From Office of Administration Revolving Administrative Trust Fund . . . . . \$2,140,559

**SECTION 18.027.**— To the Office of Administration  
For the Division of Design and Construction  
For maintenance, repairs, replacements, unprogrammed requirements, emergency  
requirements and improvements for facilities statewide  
From Board of Public Buildings Bond Proceeds Fund . . . . . \$11,701,876  
From Facilities Maintenance Reserve Fund . . . . . 6,697,320  
Total . . . . . \$18,399,196

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**SECTION 18.028.**— To the Office of Administration  
For the Division of Design and Construction  
For maintenance, repairs, replacements, unprogrammed requirements,  
    emergency requirements and improvements for facilities statewide  
From Facilities Maintenance Reserve Fund . . . . . \$32,000,000

**SECTION 18.030.**— To the Office of Administration  
For the Division of Design and Construction  
For unprogrammed requirements for facilities statewide  
From Unemployment Compensation Administration Fund . . . . . \$200,000  
From Workers' Compensation Fund . . . . . 100,000  
Total . . . . . \$300,000

**SECTION 18.040.**— To the Office of Administration  
For the Division of Design and Construction  
For maintenance, repairs, replacements and improvements at facilities statewide  
From Unemployment Compensation Administration Fund . . . . . \$200,000  
From State Highways and Transportation Department Fund . . . . . 500,000  
From Bingo Proceeds for Education Fund . . . . . 502,225  
From Veterans' Commission Capital Improvement Trust Fund . . . . . 500,000  
From Workers' Compensation Fund . . . . . 200,000  
Total . . . . . \$1,902,225

**SECTION 18.045.**— To the Office of Administration  
For the Division of Design and Construction  
For the repair of state owned or leased facilities that have suffered catastrophic  
    damage and which have a notice of coverage issued by the commissioner  
    of administration  
From Facilities Maintenance Reserve Fund . . . . . \$1E

**SECTION 18.055.**— To the Office of Administration  
For the Division of Design and Construction  
For the statewide roofing management system  
From Office of Administration Revolving Administrative Trust Fund . . . . . \$500,000E

**SECTION 18.070.**— To the Department of Natural Resources  
For the Division of State Parks  
For repairs and improvements at Babler, Bennett Spring, Big Oak Tree,  
    Deutschheim, Missouri Mines, Nathan Boone Homestead, Route 66  
    and Washington state parks and historic sites  
From Parks Sales Tax Fund . . . . . \$1,334,724  
From State Parks Earnings Funds . . . . . 764,570  
Total . . . . . \$2,099,294

**SECTION 18.075.**— To the Department of Natural Resources  
For the Division of State Parks  
For erosion control projects at state parks and historic sites  
From Parks Sales Tax Fund . . . . . \$300,000

**SECTION 18.080.**— To the Department of Natural Resources  
For the Division of State Parks  
For dam repairs and improvements at state parks and historic sites

From State Parks Earnings Fund . . . . . \$350,000

**SECTION 18.085.**— To the Department of Natural Resources

For the Division of State Parks

For maintenance, repairs, replacements, renovations, and improvements at  
campground facilities statewide

From State Parks Earnings Fund . . . . . \$1,500,000

**SECTION 18.090.**— To the Department of Natural Resources

For the Division of State Parks

For maintenance, repairs, replacements, and improvements at park facilities  
statewide

From State Parks Earnings Fund . . . . . \$2,480,000

From Parks Sales Tax Fund . . . . . 5,700,000

For capital improvement expenditures from recoupments, donations, and grants

From Federal Funds and Other Funds . . . . . 200,000E

Total . . . . . \$8,380,000

**SECTION 18.100.**— To the Department of Natural Resources

For the Outreach and Assistance Center

For the acquisition, restoration, development, and maintenance of historic  
properties pursuant to Chapter 253, RSMo

From Historic Preservation Revolving Fund . . . . . \$1,000,000

**SECTION 18.110.**— To the Office of Administration

For the Department of Labor and Industrial Relations

For maintenance, repairs, replacements, and improvements to the Employment  
Security Central Office Building and the St. Louis Job Service Office

From Special Employment Security Fund . . . . . \$1,178,311

**SECTION 18.115.**— To the Office of Administration

For the Department of Public Safety

For repairs, replacements, and improvements at Missouri State Highway Patrol  
facilities statewide

From State Highways and Transportation Department Fund . . . . . \$2,294,224

**SECTION 18.125.**— To the Office of Administration

For the Department of Public Safety

For repairs, replacements, and improvements at veterans' homes in St Louis,  
Cape Girardeau, Warrensburg, and Cameron

From Veterans' Commission Capital Improvement Trust Fund . . . . . \$7,078,120

**SECTION 18.130.**— To the Office of Administration

For the Adjutant General - Missouri National Guard

For the federal real property maintenance and minor construction programs  
at National Guard facilities

From Federal Funds . . . . . \$6,000,000E

**SECTION 18.135.**— To the Office of Administration

For the Adjutant General - Missouri National Guard

For maintenance, repairs, and improvements at National Guard facilities

statewide; provided that no funds be expended on armory repairs until the feasibility study as referenced in Audit Report No. 2003-22 dated March 5, 2003 is completed

From Federal Funds . . . . . \$921,028

**SECTION 18.140.**— To the Office of Administration

For the Department of Corrections

For maintenance, repairs, replacements, and improvements at facilities statewide

From Working Capital Revolving Fund . . . . . \$1,221,733

**SECTION 18.160.**— Funds are to be transferred out of the state treasury, chargeable to the General Revenue Fund, to the Facilities Maintenance Reserve Fund

From General Revenue Fund . . . . . \$37,147,542

**SECTION 18.165.**— Funds are to be transferred out of the state treasury, chargeable to the General Revenue Fund, to the Facilities Maintenance Reserve Fund

From General Revenue Fund . . . . . \$46,652,542

**SECTION 18.175.**— There is transferred out of the state treasury, chargeable to the funds shown below, the following amounts to the Office of Administration Revolving Administrative Trust Fund

From Federal Funds . . . . . \$1,066,822E

From Other Funds . . . . . 1,073,737E

Total . . . . . \$2,140,559

Approved May 30, 2003

**HB 19 [CCS#2 HCS HB 19]**

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS: PLANNING, EXPENSES, CAPITAL IMPROVEMENTS INCLUDING MAJOR ADDITIONS AND RENOVATIONS, NEW STRUCTURES, LAND IMPROVEMENTS OR ACQUISITIONS, AND TO TRANSFER MONEY AMONG CERTAIN FUNDS.**

AN ACT to appropriate money for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the state treasury, for the agency, program, and purpose stated, chargeable to the fund designated for the period beginning July 1, 2003 and ending June 30, 2005, as follows:

**SECTION 19.005.**— To the Office of Administration

For the Department of Elementary and Secondary Education

For asbestos assessments and remediation at various state schools for the severely handicapped, the Missouri School for the Blind, and the

Missouri School for the Deaf  
 From Bingo Proceeds for Education Fund . . . . . \$635,734

**SECTION 19.010.**— To the Office of Administration  
 For the Division of Design and Construction  
 For redevelopment of the Missouri State Penitentiary site  
 From Board of Public Buildings Bond Proceeds Fund . . . . . \$270,000

**SECTION 19.015.**— To the Office of Administration  
 For use of donated funds for the planning, design, and construction of a  
     Lewis and Clark monument on the State Capitol grounds  
 From Office of Administration Revolving Administrative Trust Fund . . . . . \$1E

**SECTION 19.020.**— To the Office of Administration  
 For relocation expenses associated with relocating Department of Natural  
     Resources staff to a new office building in Jefferson City  
 From Federal Funds and Other Funds . . . . . \$5,172,701

**SECTION 19.025.**— To the Department of Natural Resources  
 For the Division of State Parks  
 For design, renovation, construction, and improvements of various Lewis and  
     Clark interpretive sites throughout the state  
 From State Parks Earnings Fund . . . . . \$1,179,000  
 From Park Sales Tax Fund . . . . . 450,000  
 Total . . . . . \$1,629,000

**SECTION 19.030.**— To the Department of Natural Resources  
 For the Division of State Parks  
 For unprogrammed capital improvement projects at state parks  
 From Park Sales Tax Fund . . . . . \$310,000

**SECTION 19.035.**— To the Department of Natural Resources  
 For the Division of State Parks  
 For design, renovation, construction, property acquisition, and improvements  
     at Big Sugar Creek, Graham Cave, Lewis & Clark, Ozark Caverns,  
     Route 66, Watkins Woolen Mill, and Weston Bend state parks  
 From Park Sales Tax Fund . . . . . \$675,000  
 From State Parks Earnings Fund . . . . . 160,000  
 Total . . . . . \$835,000

**SECTION 19.040.**— To the Department of Conservation  
 For stream access acquisition and development; lake site acquisition and  
     development; financial assistance to other public agencies or in partnership  
     with other public agencies; land acquisition for upland wildlife, state forests,  
     wetlands, and natural areas and additions to existing areas; for major  
     improvements and repairs (including materials, supplies and labor) to  
     buildings, roads, hatcheries, and other departmental structures; and for  
     soil conservation activities and erosion control on department land  
 From Conservation Commission Fund . . . . . \$50,000,000

**SECTION 19.045.**— To the Office of Administration  
 For the Department of Public Safety

For planning, design, and construction of a commercial drivers license site  
in Strafford  
From State Highways and Transportation Department Fund . . . . . \$314,772

**SECTION 19.046.**— To the Office of Administration  
For the Department of Public Safety  
For design, construction, repairs, renovations and improvements for access to  
the Jacksonville Veterans Cemetery  
From Veterans' Commission Capital Improvement Trust Fund . . . . . \$200,000

**SECTION 19.050.**— To the Office of Administration  
For the Department of Public Safety  
For the construction of a columbarium wall at the Springfield Veterans Cemetery  
From Veterans' Commission Capital Improvement Trust Fund . . . . . \$806,607

**SECTION 19.055.**— To the Office of Administration  
For the Department of Public Safety  
For the construction, renovations, and improvements at veterans homes in  
Cape Girardeau, St. James, and St. Louis  
From Veterans' Commission Capital Improvement Trust Fund . . . . . \$955,852

**SECTION 19.060.**— To the Office of Administration  
For the Adjutant General - Missouri National Guard  
For the federal environmental compliance program at non-armory facilities  
From Federal Funds . . . . . \$1,900,000E

**SECTION 19.065.**— To the Office of Administration  
For the Adjutant General - Missouri National Guard  
For administrative support of federal projects  
From Board of Public Buildings Bond Proceeds Fund . . . . . \$400,000

**SECTION 19.070.**— To the Office of Administration  
For the Adjutant General - Missouri National Guard  
For design and construction of National Guard facilities statewide  
and land acquisition for the Pierce City and DeSoto Armories  
From Federal Funds . . . . . \$1,000,000E  
From Missouri National Guard Trust Fund . . . . . 50,000E  
Total . . . . . \$1,050,000

**SECTION 19.075.**— To the Office of Administration  
For the Adjutant General - Missouri National Guard  
For design and construction of a new aviation maintenance facility in Springfield  
From Board of Public Buildings Bond Proceeds Fund . . . . . \$616,562  
From Federal Funds . . . . . 57,183,930E  
Total . . . . . \$57,800,492

**SECTION 19.080.**— To the Office of Administration  
For the Adjutant General - Missouri National Guard  
For design and construction of a new armory in St. Peters  
From Board of Public Buildings Bond Proceeds Fund . . . . . \$487,468  
From Federal Funds . . . . . 18,597,351E  
Total . . . . . \$19,084,819

**SECTION 19.085.**— To the Office of Administration

For the Adjutant General - Missouri National Guard

For design, construction, and renovations at armories in Chillicothe, Farmington,  
Hannibal, Kansas City, and Richmond

From Board of Public Buildings Bond Proceeds Fund .....	\$545,738
From Federal Funds .....	<u>5,880,718E</u>
Total .....	\$6,426,456

**SECTION 19.090.**— To the Office of Administration

For the Department of Corrections

For planning, design, and construction of community supervision centers

From Board of Public Buildings Bond Proceeds Fund .....	\$3,077,194
From Federal Funds .....	<u>27,694,723</u>
Total .....	\$30,771,917

**SECTION 19.095.**— To the Office of Administration

For the Department of Corrections

For planning, design, and construction of a juvenile housing unit at the  
Northeast Correctional Center

From Board of Public Buildings Bond Proceeds Fund .....	\$280,326
From Federal Funds .....	<u>2,522,931</u>
Total .....	\$2,803,257

**SECTION 19.100.**— To the Board of Public Buildings

For the Department of Mental Health

For design, land acquisition, renovation, construction, and improvements  
for a new mental health center in Kansas City

From Office of Administration Revolving Administrative Trust Fund .....	\$1,710,000
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**SECTION 19.105.**— To the Office of Administration

For the University of Missouri

For planning, design, and construction of a Life Sciences Building on the  
Kansas City campus

From Board of Public Buildings Bond Proceeds Fund .....	\$30,490,400
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**SECTION 19.110.**— To Southeast Missouri State UniversityFor planning, design, renovation, and construction of a school of visual  
and performing arts

From General Revenue Fund .....	\$1,000
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**SECTION 19.115.**— To the Board of Public BuildingsFor the purchase of equipment for the replacement of the Jefferson City  
Correctional Center

From Proceeds of Revenue Bonds .....	\$8,000,000
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**YEAR ONE - BILL TOTALS**

General Revenue Fund .....	\$1,000
Federal Funds .....	75,854,169
Other Funds .....	<u>76,542,015</u>
Total .....	\$152,397,184

**YEAR TWO - BILL TOTALS**

Federal Funds .....	\$38,925,484
Other Funds .....	<u>32,237,216</u>
Total .....	\$71,162,700

Approved May 30, 2003

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**HB 20 [HCS HB 20]**

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**APPROPRIATIONS: CAPITAL IMPROVEMENTS AND OTHER PURPOSES.**

AN ACT to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2003 and ending June 30, 2005.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the state treasury, for the agency, program, and purpose stated, chargeable to the fund designated, for the period beginning July 1, 2003 and ending June 30, 2005 the unexpended balances available as of June 30, 2003 but not to exceed the amounts stated herein, as follows:

**SECTION 20.005.**— To the Office of Administration

For the Department of Elementary and Secondary Education

For maintenance, repairs, replacements, and improvements at the Missouri

School for the Blind

Representing expenditures originally authorized under the provisions of House Bill

Section 18.005, an Act of the 91st General Assembly, First Regular Session

From Bingo Proceeds for Education Fund ..... \$251,423

From Facilities Maintenance Reserve Fund ..... 13,073

Total ..... \$264,496

**SECTION 20.010.**— To the Office of Administration

For the Department of Elementary and Secondary Education

For maintenance, repairs, replacements, and improvements at the Missouri

School for the Deaf

Representing expenditures originally authorized under the provisions of House Bill

Section 18.010, an Act of the 91st General Assembly, First Regular Session

From Bingo Proceeds for Education Fund ..... \$1,149,673

**SECTION 20.015.**— To the Office of Administration

For the Department of Elementary and Secondary Education

For maintenance, repairs, replacements, and improvements at Dale M. Thompson,

Lakeview, Boonslick, E.W. Thompson, B.W. Robinson, and Helen M. Davis

State Schools for the Severely Handicapped

Representing expenditures originally authorized under the provisions of House Bill

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Section 18.015, an Act of the 91st General Assembly, First Regular Session	
From Bingo Proceeds for Education Fund .....	\$938,105
From Facilities Maintenance Reserve Fund .....	<u>1,575,192</u>
Total .....	\$2,513,297

<b>SECTION 20.020.</b> — To the Office of Administration	
For the Department of Elementary and Secondary Education	
For repairs, replacements, and improvements at the Maple Valley School	
for the Severely Handicapped	
Representing expenditures originally authorized under the provisions of House Bill	
Section 19.005, an Act of the 91st General Assembly, First Regular Session	
From Bingo Proceeds for Education Fund .....	\$991,209

<b>SECTION 20.025.</b> — To the Office of Administration	
For the Department of Elementary and Secondary Education	
For design, construction, and improvements for ADA compliant playgrounds at	
the following State Schools for the Severely Handicapped	
For Kirchner School at Jefferson City .....	\$40,661
For Helen M. Davis School at St. Joseph .....	244,821
For Delmar Cobble School at Columbia .....	5,922
For Greene Valley School at Springfield .....	<u>305,711</u>
From Bingo Proceeds for Education Fund .....	597,115

For Mapaville School at Mapaville, Kirchner School at Jefferson City, Helen M.	
Davis School at St. Joseph, Delmar Cobble School at Columbia, and Greene	
Valley School at Springfield	
From Handicapped Children's Trust Fund .....	136,175

Representing expenditures originally authorized under the provisions of House	
Bill Section 19.006, an Act of the 91st General Assembly, First Regular	
Session .....	
Total .....	<u>\$733,290</u>

<b>SECTION 20.030.</b> — To Central Missouri State University	
For renovation of the Wood Building	
Representing expenditures originally authorized under the provisions of House	
Bill Section 18.030, an Act of the 90th General Assembly, First Regular	
Session, and most recently authorized under the provisions of House Bill	
Section 16.020, an Act of the 91st General Assembly, First Regular Session	
From Lottery Proceeds Fund .....	\$1,350,789

<b>SECTION 20.035.</b> — To Harris-Stowe State College	
For planning, design, and construction of a physical education and performing	
arts building	
Representing expenditures originally authorized under the provisions of House	
Bill Section 1020.020, an Act of the 89th General Assembly, Second Regular	
Session and most recently authorized under the provisions of House Bill	
Section 16.026, an Act of the 91st General Assembly, First Regular Session	
From General Revenue Fund .....	\$47,412

<b>SECTION 20.040.</b> — To Harris-Stowe College	
For planning, design, and construction of a physical education and performing	

arts building  
Representing expenditures originally authorized under the provisions of House  
Bill Section 18.061, an Act of the 90th General Assembly, First Regular  
Session, and most recently authorized under the provisions of House Bill  
Section 16.028, an Act of the 91st General Assembly, First Regular Session  
From General Revenue Fund . . . . . \$83,062

**SECTION 20.045.**— To Lincoln University  
For planning and design of renovations to Jason Hall  
Representing expenditures originally authorized under the provisions of House  
Bill Section 18.063, an Act of the 90th General Assembly, First Regular  
Session, and most recently authorized under the provisions of House Bill  
Section 16.034, an Act of the 91st General Assembly, First Regular Session  
From General Revenue Fund . . . . . \$132,859

**SECTION 20.050.**— To Truman State University  
For design, renovation, construction, and improvements at Ophelia Parish  
Representing expenditures originally authorized under the provisions of House  
Bill Section 18.090, an Act of the 89th General Assembly, First Regular  
Session, and most recently authorized under the provisions of House Bill  
Section 16.042, an Act of the 91st General Assembly, First Regular Session  
From Lottery Proceeds Fund . . . . . \$169,680

**SECTION 20.055.**— To Truman State University  
For design, renovation, and construction of Science Hall  
Representing expenditures originally authorized under the provisions of House  
Bill Section 18.040, an Act of the 90th General Assembly, First Regular  
Session, and most recently authorized under the provisions of House Bill  
Section 16.046, an Act of the 91st General Assembly, First Regular Session  
From General Revenue Fund . . . . . \$11,389,959

**SECTION 20.060.**— To Northwest Missouri State University  
For planning and design of renovations to the fine arts building  
Representing expenditures originally authorized under the provisions of House  
Bill Section 18.062, an Act of the 90th General Assembly, First Regular  
Session, and most recently authorized under the provisions of House Bill  
Section 16.050, an Act of the 91st General Assembly, First Regular Session  
From General Revenue Fund . . . . . \$915,333

**SECTION 20.065.**— To Southeast Missouri State University  
For planning, design, renovation, and construction for a school of visual and  
performing arts. Local matching funds must be provided on a 50/50  
state/local match rate in order to be eligible for state funds  
Representing expenditures originally authorized under the provisions of House  
Bill Section 18.064, an Act of the 90th General Assembly, First Regular  
Session, and most recently authorized under the provisions of House Bill  
Section 16.054, an Act of the 91st General Assembly, First Regular Session  
From General Revenue Fund . . . . . \$1,847,098  
From Lottery Proceeds Fund . . . . . 2,752,902  
Total . . . . . \$4,600,000

**SECTION 20.070.**— To Southwest Missouri State University

For design, renovation, construction, and improvements at Meyer Library  
 Representing expenditures originally authorized under the provisions of House  
   Bill Section 1020.055, an Act of the 89th General Assembly, Second Regular  
   Session, and most recently authorized under the provisions of House Bill  
   Section 16.064, an Act of the 91st General Assembly, First Regular Session  
 From General Revenue Fund . . . . . \$27,296

**SECTION 20.075.**— To Southwest Missouri State University

For tunnel repairs and related items  
 Representing expenditures originally authorized under the provisions of House  
   Bill Section 18.045, an Act of the 90th General Assembly, First Regular  
   Session, and most recently authorized under the provisions of House Bill  
   Section 16.066, an Act of the 91st General Assembly, First Regular Session  
 From Lottery Proceeds Fund . . . . . \$4,550,796

**SECTION 20.080.**— To University of Missouri

For planning, design, renovation, and improvements at the Dental School Building  
   on the Kansas City campus  
 Representing expenditures originally authorized under the provisions of House  
   Bill Section 1020.075, an Act of the 89th General Assembly, Second Regular  
   Session, and most recently authorized under the provisions of House Bill  
   Section 16.078, an Act of the 91st General Assembly, First Regular Session  
 From General Revenue Fund . . . . . \$1,052,314

**SECTION 20.085.**— To University of Missouri

For renovation of the lab animal/chemical storage building at the Kansas City  
   campus  
 Representing expenditures originally authorized under the provisions of House  
   Bill Section 18.055, an Act of the 90th General Assembly, First Regular  
   Session, and most recently authorized under the provisions of House Bill  
   Section 16.080, an Act of the 91st General Assembly, First Regular Session  
 From Lottery Proceeds Fund . . . . . \$226,141

**SECTION 20.090.**— To the Department of Higher Education

For planning, design, construction, renovation, and improvements for the  
   community colleges  
 Representing expenditures originally authorized under the provisions of House  
   Bill Section 1120.010, an Act of the 90th General Assembly, Second Regular  
   Session, and most recently authorized under the provisions of House Bill  
   Section 16.094, an Act of the 91st General Assembly, First Regular Session  
 From Lottery Proceeds Fund . . . . . \$2,393,440

**SECTION 20.095.**— To the University of Missouri

For planning, design, and construction of a Life Sciences Building on the  
   Columbia Campus  
 Representing expenditures originally authorized under the provisions of House  
   Bill Section 1120.055, an Act of the 90th General Assembly, Second Regular  
   Session, and most recently authorized under the provisions of House Bill  
   Section 16.360, an Act of the 91st General Assembly, First Regular Session  
 From General Revenue Fund . . . . . \$28,947,000

**SECTION 20.100.**— To the Office of Administration

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For the Division of Design and Construction  
 For maintenance, repairs, replacements, and improvements at facilities statewide  
 Representing expenditures originally authorized under the provisions of House  
     Bill Section 17.045, an Act of the 90th General Assembly, First Regular  
     Session, and most recently authorized under the provisions of House Bill  
     Section 16.106, an Act of the 91st General Assembly, First Regular Session  
 From Facilities Maintenance Reserve Fund . . . . . \$260,364  
 From Office of Administration Revolving Administrative Trust Fund . . . . . 17,189  
 From Unemployment Compensation Administration Fund . . . . . 100,000  
 From Workers' Compensation Fund . . . . . 122,167  
 From Veterans' Commission Capital Improvement Trust Fund . . . . . 46,512  
 From Bingo Proceeds for Education Fund . . . . . 166,374  
 Total . . . . . \$712,606

**SECTION 20.105.**— To the Office of Administration

For the Division of Facilities Management  
 For maintenance, repairs, replacements, and improvements to facilities in the  
     Capitol Complex and the Wainwright, Missouri Boulevard, and St. Joseph  
     State Office Buildings  
 Representing expenditures originally authorized under the provisions of House  
     Bill Section 17.050, an Act of the 90th General Assembly, First Regular  
     Session, and most recently authorized under the provisions of House Bill  
     Section 16.118, an Act of the 91st General Assembly, First Regular Session  
 From Office of Administration Revolving Administrative Trust Fund . . . . . \$298,471

**SECTION 20.110.**— To the Office of Administration

For the Division of Facilities Management  
 For design, renovations, improvements, and construction for the Capitol Building,  
     Truman State Office Building, Wainwright State Office Building, and  
     Environmental Control Center  
 Representing expenditures originally authorized under the provisions of House  
     Bill Section 18.090, an Act of the 90th General Assembly, First Regular  
     Session, and most recently authorized under the provisions of House Bill  
     Section 16.122, an Act of the 91st General Assembly, First Regular Session  
 From General Revenue Fund . . . . . \$400,596  
 From Office of Administration Revolving Administrative Trust Fund . . . . . 273,554  
 Total . . . . . \$674,150

**SECTION 20.115.**— To the Office of Administration

For the Division of Facilities Management  
 For design, renovations, improvements, and construction, including ADA  
     modifications to public areas in the Capitol Building as proposed in the  
     Capitol Master Plan Study and to study the expansion of legislative offices  
     on the Capitol 5th floor roof area  
 Representing expenditures originally authorized under the provisions of House  
     Bill Section 18.095, an Act of the 90th General Assembly, First Regular  
     Session, and most recently authorized under the provisions of House Bill  
     Section 16.124, an Act of the 91st General Assembly, First Regular Session  
 From General Revenue Fund . . . . . \$934,793

**SECTION 20.120.**— To the Office of Administration

For the Division of Facilities Management

For maintenance, repairs, replacements, and improvements to facilities in the Capitol Complex, the Penney's and Wainwright state office buildings Representing expenditures originally authorized under the provisions of House Bill Section 18.055, an Act of the 91st General Assembly, First Regular Session	
From Facilities Maintenance Reserve Fund .....	\$416,888
From Office of Administration Revolving Administrative Trust Fund .....	4,232,818
Total .....	<u>\$4,649,706</u>

**SECTION 20.125.**— To the Office of Administration

To the Division of Design and Construction

For the purpose of design, construction, and land acquisition for an office building  
in Cole County

Representing expenditures originally authorized under the provisions of House Bill Section 18.104, an Act of the 90th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill Section 16.108, an Act of the 91st General Assembly, First Regular Session	
From General Revenue Fund .....	\$886,333

**SECTION 20.130.**— To the Office of Administration

For the Division of Design and Construction

For unprogrammed requirements for facilities statewide

Representing expenditures originally authorized under the provisions of House Bill

Section 18.035, an Act of the 91st General Assembly, First Regular Session

From Facilities Maintenance Reserve Fund .....	\$518,172
From Office of Administration Revolving Administrative Trust Fund .....	255,698
From Unemployment Compensation Administration Fund .....	200,000
From Workers' Compensation Fund .....	78,168
Total .....	<u>\$1,052,038</u>

**SECTION 20.135.**— To the Office of Administration

For the Division of Design and Construction

For the statewide roofing management system

Representing expenditures originally authorized under the provisions of House Bill

Section 18.040, an Act of the 91st General Assembly, First Regular Session

From Facilities Maintenance Reserve Fund .....	\$923,255
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**SECTION 20.140.**— To the Office of Administration

For the Division of Design and Construction

For maintenance, repairs, replacements, improvements, and building assessments  
at facilities statewide

Representing expenditures originally authorized under the provisions of House Bill

Section 18.050, an Act of the 91st General Assembly, First Regular Session

From Facilities Maintenance Reserve Fund .....	\$5,385,246
From Office of Administration Revolving Administrative Trust Fund .....	382,565
From Unemployment Compensation Administration Fund .....	100,000
From Workers' Compensation Fund .....	200,000
From Veterans' Commission Capital Improvement Trust Fund .....	500,000
From Bingo Proceeds for Education Fund .....	439,308
Total .....	<u>\$7,007,119</u>

**SECTION 20.145.**— To the Office of Administration

For the Department of Agriculture

For maintenance, repairs, replacements, and improvements to the Agriculture,  
Commercial, and Varied Industries Buildings at the Missouri State Fair  
Grounds  
Representing expenditures originally authorized under the provisions of House Bill  
Section 18.060, an Act of the 91st General Assembly, First Regular Session  
From Facilities Maintenance Reserve Fund . . . . . \$1,857,824

**SECTION 20.150.**— To the Department of Natural Resources  
For the Division of Geology and Land Survey  
For repairs, replacements, and improvements at the Main Building and Annex  
Representing expenditures originally authorized under the provisions of House Bill  
Section 18.100, an Act of the 91st General Assembly, First Regular Session  
From Facilities Maintenance Reserve Fund . . . . . \$2,306,658

**SECTION 20.155.**— To the Office of Administration  
For the Department of Public Safety  
For design, renovation, construction, and improvements at veterans homes statewide  
Representing expenditures originally authorized under the provisions of House  
Bill Section 18.270, an Act of the 89th General Assembly, First Regular  
Session, and most recently authorized under the provisions of House Bill  
Section 16.188, an Act of the 91st General Assembly, First Regular Session  
From Veterans' Commission Capital Improvement Trust Fund . . . . . \$2,806,533  
From Federal Funds . . . . . 5,707,901E  
Total . . . . . \$8,514,434

**SECTION 20.160.**— To the Office of Administration  
For the Department of Public Safety  
For construction of a 100-bed dementia unit at the St. Louis Veterans' Home  
Representing expenditures originally authorized under the provisions of House  
Bill Section 18.185, an Act of the 90th General Assembly, First Regular  
Session, and most recently authorized under the provisions of House Bill  
Section 16.194, an Act of the 91st General Assembly, First Regular Session  
From Federal Funds . . . . . \$5,887,637E  
From Veterans' Commission Capital Improvement Trust Fund . . . . . 2,275,769  
Total . . . . . \$8,163,406

**SECTION 20.165.**— To the Office of Administration  
For the Missouri Veterans' Commission  
For construction of a dementia wing at the St. Louis Veterans' Home, a veterans'  
home at Mt. Vernon, and outpatient clinics statewide  
Representing expenditures originally authorized under the provisions of House  
Bill Section 15.055, an Act of the 91st General Assembly, First Regular  
Session, and most recently authorized under the provisions of House Bill  
Section 16.196, an Act of the 91st General Assembly, First Regular Session  
From Veterans' Commission Capital Improvement Trust Fund . . . . . \$3,194,956

**SECTION 20.170.**— To the Office of Administration  
For the Department of Public Safety  
For design, renovation, and construction at veterans' cemeteries in Bloomfield  
and Jacksonville  
Representing expenditures originally authorized under the provisions of House  
Bill Section 18.195, an Act of the 90th General Assembly, First Regular

Session, and most recently authorized under the provisions of House Bill  
 Section 16.200, an Act of the 91st General Assembly, First Regular Session  
 From Federal Funds ..... \$3,760,358E  
 From Veterans' Commission Capital Improvement Trust Fund ..... 348,930  
 Total ..... \$4,109,288

**SECTION 20.175.**— To the Office of Administration  
 For the Adjutant General Missouri National Guard  
 For repairs, replacements, and improvements at armory facilities in Kansas City,  
 Carthage, Clinton, Lamar, Sedalia, St. Joseph, Chillicothe, Neosho, Pierce  
 City, Lexington, Springfield, Jefferson City, Lebanon, Hannibal, Salem,  
 Perryville, Kirksville, Mexico, Farmington, Rolla, Portageville, Warrenton,  
 West Plains, St. Clair, Kennett, and Jefferson Barracks  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 17.095, an Act of the 90th General Assembly, First Regular  
 Session, and most recently authorized under the provisions of House Bill  
 Section 16.208, an Act of the 91st General Assembly, First Regular Session  
 From Facilities Maintenance Reserve Fund ..... \$480,389

**SECTION 20.180.**— To the Office of Administration  
 For the Adjutant General - Missouri National Guard  
 For repairs, replacements, and improvements at National Guard facilities statewide  
 Representing expenditures originally authorized under the provisions of House Bill  
 Section 18.140, an Act of the 91st General Assembly, First Regular Session  
 From Facilities Maintenance Reserve Fund ..... \$2,108,301

**SECTION 20.185.**— To the Office of Administration  
 For the Adjutant General - Missouri National Guard  
 For administrative support of federal projects  
 Representing expenditures originally authorized under the provisions of House Bill  
 Section 19.055, an Act of the 91st General Assembly, First Regular Session  
 From General Revenue Fund ..... \$99,957

**SECTION 20.190.**— To the Office of Administration  
 For the Division of Design and Construction  
 For design, project management, and construction inspection of federal projects for  
 the Adjutant General-Missouri National Guard  
 Representing expenditures originally authorized under the provisions of House Bill  
 Section 19.060, an Act of the 91st General Assembly, First Regular Session  
 From General Revenue Fund ..... \$78,680

**SECTION 20.200.**— To the Office of Administration  
 For the Department of Corrections  
 For maintenance, repairs, replacements, and improvements to facilities at the  
 Algoa Correctional Center  
 Representing expenditures originally authorized under the provisions of House Bill  
 Section 18.150, an Act of the 91st General Assembly, First Regular Session  
 From Facilities Maintenance Reserve Fund ..... \$585,274

**SECTION 20.205.**— To the Office of Administration  
 For the Department of Corrections  
 For maintenance, repairs, replacements, and improvements to facilities at the

Farmington Correctional Center  
Representing expenditures originally authorized under the provisions of House Bill  
Section 18.165, an Act of the 91st General Assembly, First Regular Session  
From Facilities Maintenance Reserve Fund . . . . . \$969,714

**SECTION 20.210.**— To the Office of Administration  
For the Department of Corrections  
For maintenance, repairs, replacements, and improvements to facilities at the  
Moberly Correctional Center  
Representing expenditures originally authorized under the provisions of House Bill  
Section 18.175, an Act of the 91st General Assembly, First Regular Session  
From Facilities Maintenance Reserve Fund . . . . . \$1,208,746

**SECTION 20.215.**— To the Office of Administration  
For the Department of Corrections  
For maintenance, repairs, replacements, and improvements to facilities at the  
Western Reception, Diagnostic, and Correctional Center  
Representing expenditures originally authorized under the provisions of House Bill  
Section 18.185, an Act of the 91st General Assembly, First Regular Session  
From Facilities Maintenance Reserve Fund . . . . . \$934,449

**SECTION 20.220.**— To the Office of Administration  
For the Department of Mental Health  
For design, construction, demolition, renovation, and improvements for the  
sexual predator program at Southeast Missouri Mental Health Center  
Representing expenditures originally authorized under the provisions of House  
Bill Section 18.280, an Act of the 90th General Assembly, First Regular  
Session, and most recently authorized under the provisions of House Bill  
Section 16.300, an Act of the 91st General Assembly, First Regular Session  
From General Revenue Fund . . . . . \$269,280

**SECTION 20.225.**— To the Office of Administration  
For the Department of Mental Health  
For maintenance, repairs, replacements, and improvements to facilities at the  
Bellefontaine Habilitation Center  
Representing expenditures originally authorized under the provisions of House Bill  
Section 18.190, an Act of the 91st General Assembly, First Regular Session  
From General Revenue Fund . . . . . \$187,636  
From Facilities Maintenance Reserve Fund . . . . . 48,670  
Total . . . . . \$236,306

**SECTION 20.230.**— To the Office of Administration  
For the Department of Mental Health  
For maintenance, repairs, replacements, and improvements to facilities at the  
Fulton State Hospital  
Representing expenditures originally authorized under the provisions of House Bill  
Section 18.195, an Act of the 91st General Assembly, First Regular Session  
From Facilities Maintenance Reserve Fund . . . . . \$555,318

**SECTION 20.235.**— To the Office of Administration  
For the Department of Mental Health  
For maintenance, repairs, replacements, and improvements to facilities at the

Hannibal, Kansas City, and Sikeston Regional Centers  
 Representing expenditures originally authorized under the provisions of House Bill  
 Section 18.200, an Act of the 91st General Assembly, First Regular Session  
 From Facilities Maintenance Reserve Fund . . . . . \$265,683

**SECTION 20.240.**— To the Office of Administration  
 For the Department of Mental Health  
 For maintenance, repairs, replacements, and improvements to facilities at the  
 Hawthorn Children's Psychiatric Hospital  
 Representing expenditures originally authorized under the provisions of House Bill  
 Section 18.205, an Act of the 91st General Assembly, First Regular Session  
 From General Revenue Fund . . . . . \$353,499

**SECTION 20.245.**— To the Office of Administration  
 For the Department of Mental Health  
 For maintenance, repairs, replacements, and improvements to facilities at the  
 Higginsville Habilitation Center  
 Representing expenditures originally authorized under the provisions of House Bill  
 Section 18.210, an Act of the 91st General Assembly, First Regular Session  
 From Facilities Maintenance Reserve Fund . . . . . \$1,020,018

**SECTION 20.250.**— To the Office of Administration  
 For the Department of Mental Health  
 For maintenance, repairs, replacements, and improvements to facilities at the  
 Nevada Habilitation Center  
 Representing expenditures originally authorized under the provisions of House Bill  
 Section 18.225, an Act of the 91st General Assembly, First Regular Session  
 From General Revenue Fund . . . . . \$205,270

**SECTION 20.255.**— To the Office of Administration  
 For the Department of Mental Health  
 For maintenance, repairs, replacements, and improvements to facilities at the  
 Southeast Missouri Mental Health Center  
 Representing expenditures originally authorized under the provisions of House Bill  
 Section 18.235, an Act of the 91st General Assembly, First Regular Session  
 From Facilities Maintenance Reserve Fund . . . . . \$458,316

**SECTION 20.260.**— To the Office of Administration  
 For the Department of Mental Health  
 For design, land acquisition, renovation, construction, and improvements for a  
 new mental health center in Kansas City  
 Representing expenditures originally authorized under the provisions of House Bill  
 Section 19.085, an Act of the 91st General Assembly, First Regular Session  
 From General Revenue Fund . . . . . \$158,354

**SECTION 20.265.**— To the Department of Health  
 For planning and design of a new state public health laboratory  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 1120.095, an Act of the 90th General Assembly, Second Regular  
 Session, and most recently authorized under the provisions of House Bill  
 Section 16.386, an Act of the 91st General Assembly, First Regular Session  
 From General Revenue Fund . . . . . \$1,463,954

**SECTION 20.270.**— To the Office of Administration

For the Department of Social Services

For maintenance, repairs, replacements, and improvements at the Hogan Street,  
Waverly, and Missouri Hills Youth Centers

Representing expenditures originally authorized under the provisions of House Bill

Section 18.250, an Act of the 91st General Assembly, First Regular Session

From Facilities Maintenance Reserve Fund . . . . . \$324,227

**SECTION 20.275.**— To the Office of Administration

For the Department of Social Services

For maintenance, repairs, replacements, and improvements at the Prince Hall  
Family Center

Representing expenditures originally authorized under the provisions of House Bill

Section 18.260, an Act of the 91st General Assembly, First Regular Session

From General Revenue Fund . . . . . \$113,252

From Facilities Maintenance Reserve Fund . . . . . 901,179

Total . . . . . \$1,014,431

**SECTION 20.280.**— To the County of JacksonFor design, construction, restoration, and renovation of the historic Truman/Jackson  
County Court House in Independence. Local matching funds must be provided  
on a 50/50 state/local match rate in order to be eligible for state funds

Representing expenditures originally authorized under the provisions of House

Bill Section 1120.083, an Act of the 90th General Assembly, Second Regular

Session, and most recently authorized under the provisions of House Bill

Section 16.376, an Act of the 91st General Assembly, First Regular Session

From General Revenue Fund . . . . . \$386,866

**SECTION 20.285.**— To the Board of Public Buildings

For construction of a new State Public Health Laboratory

Representing expenditures originally authorized under the provisions of House

Bill Section 1120.015, an Act of the 91st General Assembly, Second

Regular Session

From Board of Public Buildings Bond Proceeds Fund . . . . . \$30,000,000

**SECTION 20.290.**— There is transferred out of the state treasury, chargeable to

the General Revenue Fund, One Million, Three Hundred Fifty Thousand,

Nine Hundred Forty-seven Dollars to the Office of Administration

Revolving Administrative Trust Fund

Representing expenditures originally authorized under the provisions of House

Bill Section 17.205, an Act of the 90th General Assembly, First Regular

Session, and most recently authorized under the provisions of House Bill

Section 16.330, an Act of the 91st General Assembly, First Regular Session

From General Revenue Fund . . . . . \$1,350,947

**SECTION 20.295.**— There is transferred out of the state treasury, chargeable to

the General Revenue Fund, One Million, One Hundred Fifty-four

Thousand, Seven Hundred Seventy-six Dollars to the Office of

Administration Revolving Administrative Trust Fund

Representing expenditures originally authorized under the provisions of House

Bill Section 18.335, an Act of the 90th General Assembly, First Regular

Session, and most recently authorized under the provisions of House Bill

Section 16.332, an Act of the 91st General Assembly, First Regular Session  
From General Revenue Fund ..... \$1,154,776

**SECTION 20.300.**— There is transferred out of the state treasury, chargeable to  
the General Revenue Fund, Twenty Million, Three Hundred Eleven  
Thousand, Three Hundred Eight Dollars to the Facilities Maintenance  
Reserve Fund  
Representing expenditures originally authorized under the provisions of House Bill  
Section 18.265, an Act of the 91st General Assembly, First Regular Session  
From General Revenue Fund ..... \$20,311,308

**SECTION 20.305.**— There is transferred out of the state treasury, chargeable to  
the General Revenue Fund, Five Million, Four Hundred Eleven Thousand,  
Three Hundred Fifty-six Dollars to the Office of Administration Revolving  
Administrative Trust Fund  
Representing expenditures originally authorized under the provisions of House Bill  
Section 18.275, an Act of the 91st General Assembly, First Regular Session  
From General Revenue Fund ..... \$5,411,356

Approved May 30, 2003

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## HB 57 [SCS HB 57]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Clarifies the language to be included in the certification on each personal property tax list.**

AN ACT to repeal sections 137.115, 137.155, and 137.360, RSMo, and to enact in lieu thereof three new sections relating to personal property lists.

**SECTION**

- A. Enacting clause.
- 137.115. Real and personal property, assessment — maintenance plan — assessor may mail forms for personal property — classes of property, assessment — physical inspection required, when, procedure.
- 137.155. Form of oath — refusal to make oath — penalty.
- 137.360. Form of oath — penalty for refusal — lists filed with county clerk.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 137.115, 137.155, and 137.360, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 137.115, 137.155, and 137.360, to read as follows:

**137.115. REAL AND PERSONAL PROPERTY, ASSESSMENT — MAINTENANCE PLAN — ASSESSOR MAY MAIL FORMS FOR PERSONAL PROPERTY — CLASSES OF PROPERTY, ASSESSMENT — PHYSICAL INSPECTION REQUIRED, WHEN, PROCEDURE.** — 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the City of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of [all taxable real property in the county owned by the person, or under his or her care, charge or management, and] all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute

regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county [of the first classification] with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this paragraph, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the City of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percents of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, RSMo, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(1) For real property in subclass (1), nineteen percent;

(2) For real property in subclass (2), twelve percent; and

(3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property

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for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. A manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. A manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a "drive-by inspection" or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. The provisions of subsections 11 and 12 of this section shall only apply in any county with a charter form of government with more than one million inhabitants.

14. A county or city collector may accept credit cards as proper form of payment of outstanding property tax due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank for its service.

15. The provisions of this section and sections 137.073, 138.060 and 138.100, RSMo, shall become effective January 1, 2003, for any taxing jurisdiction which [is partly or entirely] **has at**

**least seventy-five percent of the land area of such jurisdiction** within a county with a charter form of government with greater than one million inhabitants, and the provisions of this section and sections 137.073, 138.060 and 138.100, RSMo, shall become effective January 1, 2005, for all taxing jurisdictions in this state. Any county in this state may, by an affirmative vote of the governing body of such county, opt into the provisions of this act prior to January 1, 2005.

**137.155. FORM OF OATH — REFUSAL TO MAKE OATH — PENALTY.** — 1. The oath to be signed and affirmed or sworn to by each person making a list of property required by this chapter is as follows:

I, ....., do solemnly swear, or affirm, that the foregoing list contains a true and correct statement of all the [real property and] tangible personal property, made taxable by the laws of the state of Missouri, which I owned or which I had under my charge or management on the first day of January, 20.... I further solemnly swear, or affirm, that I have not sent or taken, or caused to be sent or taken, any property out of this state to avoid taxation. So help me God.

2. Any person who refuses to make oath or affirmation to his list, when required so to do by the assessor or his deputy, shall, upon conviction, be deemed guilty of a misdemeanor and no property shall be exempt from executions issued on judgments in prosecutions under this section.

3. The list and oath shall be filed by the assessor, after [he] **the assessor** has completed [his] **the assessor's** books, in the office of the county clerk, who, after entering the filing thereon, shall preserve and safely keep them.

**137.360. FORM OF OATH — PENALTY FOR REFUSAL — LISTS FILED WITH COUNTY CLERK.** — 1. The certificate to be signed by each person making a list of property required by sections 137.325 to 137.420 shall be as follows:

I, ....., do hereby certify that the foregoing list contains a true and correct statement of all the [real property and] tangible personal property made taxable by the laws of the state of Missouri, which I owned or which I had under my charge or management on the first day of January, 20.... I further certify that I have not sent or taken or caused to be sent or taken any property out of this state to avoid taxation. Any person who refuses to make the certification to [his] **the** list, when required so to do by the assessor or [his] **the assessor's** deputy, shall upon conviction be deemed guilty of a misdemeanor and no property shall be exempt from executions issued on judgments in prosecutions [under] **pursuant to** this section.

2. The list and certificate shall be filed by the assessor after [he] **the assessor** has completed [his] **the assessor's** books in the office of the county clerk who, after entering the filing thereon, shall preserve and safely keep them.

Approved July 3, 2003

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## HB 59 [SCS HCS HB 59 & 269]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Requires the Department of Mental Health to implement a state suicide prevention plan.**

AN ACT to amend chapters 192, 630 and 633, RSMo, by adding thereto five new sections relating to implementation of special health care programs.

SECTION

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- A. Enacting clause.
- 192.350. Pain and symptom management advisory council created, appointment, qualifications, terms, vacancies, how filled.
- 192.352. Members to serve without compensation — expenses to be paid — staff provided by department.
- 192.355. Meetings of council held when, powers and duties — funds and gifts may be accepted.
- 630.900. State suicide prevention plan to be submitted to general assembly, when — contents.
- 633.032. Mental health department to develop a plan for the needs of persons on waitlist for services — report required, made to whom, when.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapters 192, 630 and 633, RSMo, are amended by adding thereto five new sections, to be known as sections 192.350, 192.352, 192.355, 630.900, and 633.032, to read as follows:

**192.350. PAIN AND SYMPTOM MANAGEMENT ADVISORY COUNCIL CREATED, APPOINTMENT, QUALIFICATIONS, TERMS, VACANCIES, HOW FILLED.** — **1.** There is hereby established within the department of health and senior services the "Missouri State Advisory Council on Pain and Symptom Management". The council shall consist of nineteen members that are residents of this state. The members of the council shall include:

- (1) The director of the department of health and senior services, or the director's designee, who shall serve as chair of the council;
- (2) The state attorney general, or the attorney general's designee;
- (3) Two members of the senate, appointed by the president pro tempore of the senate;
- (4) Two members of the house of representatives, appointed by the speaker of the house of representatives;
- (5) One physician, appointed by the Missouri state board of registration for the healing arts, that is certified and accredited in pain management;
- (6) One physician, appointed by the Missouri state board of registration for the healing arts, that is certified and accredited in palliative care;
- (7) Two registered nurses, appointed by the Missouri board of nursing, with expertise in hospice, oncology, long-term care, or pain and symptom management and are certified by the National Board for Certification of Hospice and Palliative Nurses;
- (8) One dentist, appointed by the Missouri board of dentistry, with training in pain and symptom management and is associated with the education and training of dental students;
- (9) One pharmacist, appointed by the Missouri board of pharmacy, with training in pain and symptom management and is associated with the education and training of pharmacists;
- (10) One representative of the pharmaceutical research and manufacturers of America, appointed by the governor, with the advice and consent of the senate;
- (11) One mental health services provider, appointed by the governor, with the advice and consent of the senate;
- (12) One physician assistant, appointed by the Missouri advisory commission for physician assistants, with training in pain and symptom management;
- (13) One chiropractic physician, appointed by the Missouri state board of chiropractic examiners, with training in pain and symptom management;
- (14) One physical therapist, appointed by the Missouri Physical Therapy Association, that specializes in pain management;
- (15) One advocate representing voluntary health organizations or advocacy groups with an interest in pain management, appointed by the governor, with the advice and consent of the senate; and

(16) One member who has been diagnosed with chronic pain, appointed by the governor, with the advice and consent of the senate.

2. Members of the council shall be appointed by February 1, 2004. Of the members first appointed to the council, seven members shall serve a term of two years, and eight members shall serve a term of one year, and thereafter, members shall serve a term of two years. Members shall continue to serve until their successor is duly appointed and qualified. Any vacancy on the council shall be filled in the same manner as the original appointment.

**192.352. MEMBERS TO SERVE WITHOUT COMPENSATION — EXPENSES TO BE PAID — STAFF PROVIDED BY DEPARTMENT. —** 1. Members shall serve without compensation but shall, subject to appropriations, be reimbursed for reasonable and necessary expenses actually incurred in the performance of the member's official duties.

2. The department of health and senior services with existing resources shall provide administrative support and current staff as necessary for the effective operation of the council.

**192.355. MEETINGS OF COUNCIL HELD WHEN, POWERS AND DUTIES — FUNDS AND GIFTS MAY BE ACCEPTED. —** 1. Meetings shall be held at least every ninety days or at the call of the council chair.

2. The advisory council shall:

(1) Hold public hearings pursuant to chapter 536, RSMo, to gather information from the general public on issues pertaining to pain and symptom management;

(2) Make recommendations on acute and chronic pain management treatment practices;

(3) Analyze statutes, rules, and regulations regarding pain management;

(4) Study the use of alternative therapies regarding pain and symptom management and any sanctions imposed;

(5) Review the acute and chronic pain management education provided by professional licensing boards of this state;

(6) Examine the needs of adults, children, the terminally ill, racial and ethnic minorities, and medically underserved populations that have acute and chronic pain;

(7) Make recommendations on integrating pain and symptom management into the customary practice of health care professionals;

(8) Identify the roles and responsibilities of health care professionals in pain and symptom management;

(9) Make recommendations on the duration and content of continuing education requirements for pain and symptom management;

(10) Review guidelines on pain and symptom management issued by the United States Department of Health and Human Services;

(11) Provide an annual report on the activities of the council to the director of the department of health and senior services, the speaker of the house of representatives, the president pro tempore of the senate, and the governor by February first of every year. Such report shall include, but not be limited to the following:

(a) Issues and recommendations developed by the council;

(b) Pain management educational curricula and continuing education requirements for institutions providing health care education;

(c) Information regarding the impact and effectiveness of prior recommendations, if any, that have been implemented; and

(d) Review of current policies regarding pain and symptom management and any changes thereto occurring in pain and symptom management.

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3. The department of health and senior services may accept on behalf of the council any federal funds, gifts, and donations from individuals, private organizations, and foundations, and any other funds that may become available.

**630.900. STATE SUICIDE PREVENTION PLAN TO BE SUBMITTED TO GENERAL ASSEMBLY, WHEN — CONTENTS. —** 1. The director of the department of mental health, in partnership with the department of health and senior services and in collaboration with the departments of social services, elementary and secondary education, higher education, and corrections, and other appropriate agencies, organizations, and institutions in the community, shall design a proposed state suicide prevention plan using an evidence-based public health approach focused on suicide prevention.

2. The plan shall include, but not be limited to:

(1) Promoting the use of employee assistance and workplace programs to support employees with depression and other psychiatric illnesses and substance abuse disorders, and refer them to services. In promoting such programs, the director shall collaborate with employer and professional associations, unions, and safety councils;

(2) Promoting the use of student assistance and educational programs to support students with depression and other psychiatric illnesses and substance abuse disorders. In promoting such programs, the director shall collaborate with educators, administrators, students and parents with emphasis on identification of the risk factors associated with suicide;

(3) Providing training and technical assistance to local public health and other community-based professionals to provide for integrated implementation of best practices for preventing suicides;

(4) Establishing a toll-free suicide prevention hotline; and

(5) Coordinating with federal, state, and local agencies to collect, analyze, and annually issue a public report on Missouri-specific data on suicide and suicidal behaviors.

3. The proposed state suicide prevention plan designed and developed pursuant to this section shall be submitted to the general assembly by December 31, 2004, and shall include any recommendations regarding statutory changes and implementation and funding requirements of the plan.

**633.032. MENTAL HEALTH DEPARTMENT TO DEVELOP A PLAN FOR THE NEEDS OF PERSONS ON WAITLIST FOR SERVICES — REPORT REQUIRED, MADE TO WHOM, WHEN. —** 1. The department of mental health shall develop a plan to address the needs of persons who are on a waitlist for services, including persons in habilitation centers waiting for community placement. Such plan shall reflect the partnership between persons with developmental disabilities and their families, community providers, and state officials, and shall support the choice and control of consumers and their families in the delivery of services and supports. Such plan shall include the following:

(1) A method to reduce the waitlist for services over a period of five years and to reduce the waiting period to ninety days;

(2) A description of minimum supports and services available to all eligible individuals and their families;

(3) An evaluation of the capacity of current providers to serve more individuals;

(4) A method of adjusting support and service levels based on the needs of the eligible individual combined with family or other relevant circumstances affecting the support of such individual;

(5) A method for determining the circumstances when out-of-home twenty-four-hour care may be necessary;

(6) A description of how the plan will be implemented on a statewide basis;

(7) Any changes in state law that will be required to implement the plan; and

(8) An analysis of the budgetary and programmatic effects of providing supports and services for all eligible individuals and their families.

2. The plan required pursuant to this section shall be completed on or before November 1, 2003. The director of the department of mental health shall submit a copy of the plan to the speaker of the house of representatives, the president pro tem of the senate, and the governor.

Approved July 11, 2003

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## HB 60 [SCS HB 60]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### **Changes time period for taxpayer to claim refund mistakenly or erroneously paid.**

AN ACT to repeal section 139.031, RSMo, and to enact in lieu thereof one new section relating to refunds of tax payments mistakenly or erroneously made.

#### SECTION

A. Enacting clause.

139.031. Payment of taxes under protest — action, when commenced, how tried — refunds, how made, may be used as credit for next year's taxes — interest, when allowed — collector to invest protested taxes, disbursement to taxing authorities, when.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 139.031, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 139.031, to read as follows:

**139.031. PAYMENT OF TAXES UNDER PROTEST — ACTION, WHEN COMMENCED, HOW TRIED — REFUNDS, HOW MADE, MAY BE USED AS CREDIT FOR NEXT YEAR'S TAXES — INTEREST, WHEN ALLOWED — COLLECTOR TO INVEST PROTESTED TAXES, DISBURSAL TO TAXING AUTHORITIES, WHEN.** — 1. Any taxpayer may protest all or any part of any taxes assessed against [him] **the taxpayer**, except taxes collected by the director of revenue of Missouri. Any such taxpayer desiring to pay any taxes under protest shall, at the time of paying such taxes, file with the collector a written statement setting forth the grounds on which [his] **the** protest is based. The statement shall include the true value in money claimed by the taxpayer if disputed.

2. Upon receiving payment of taxes under protest pursuant to subsection 1 of this section or upon receiving notice of an appeal pursuant to section 138.430, RSMo, the collector shall disburse to the proper official all portions of taxes not disputed by the taxpayer and shall impound in a separate fund all portions of such taxes which are in dispute. Except as provided in subsection 3 of this section, every taxpayer protesting the payment of taxes shall, within ninety days after filing his protest, commence an action against the collector by filing a petition for the recovery of the amount protested in the circuit court of the county in which the collector maintains his office. If any taxpayer so protesting his taxes shall fail to commence an action in the circuit court for the recovery of the taxes protested within the time prescribed in this subsection, such protest shall become null and void and of no effect, and the collector shall then disburse to the proper official the taxes impounded, and any interest earned thereon, as provided above in this subsection.

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3. No action against the collector shall be commenced by any taxpayer who has, for the tax year in issue, filed with the state tax commission a timely and proper appeal of the protested taxes. Such taxpayer shall notify the collector of the appeal in the written statement required by subsection 1 of this section. The taxes so protested shall be impounded in a separate fund and the commission may order all or any part of such taxes refunded to the taxpayer, or may authorize the collector to release and disburse all or any part of such taxes in its decision and order issued pursuant to chapter 138, RSMo.

4. Trial of the action in the circuit court shall be in the manner prescribed for nonjury civil proceedings, and, after determination of the issues, the court shall make such orders as may be just and equitable to refund to the taxpayer all or any part of the taxes paid under protest, together with any interest earned thereon, or to authorize the collector to release and disburse all or any part of the impounded taxes, and any interest earned thereon, to the appropriate officials of the taxing authorities. Either party to the proceedings may appeal the determination of the circuit court.

5. All the county collectors of taxes, and the collector of taxes in any city not within a county, shall, upon written application of a taxpayer, refund [any real or tangible personal property tax mistakenly or erroneously paid in whole or in part to the collector,] or [shall] credit against the taxpayer's tax liability in the following taxable year **and subsequent consecutive taxable years until the taxpayer has received credit in full for**, any real or personal property tax mistakenly or erroneously levied against the taxpayer and collected in whole or in part by the collector. Such application shall be filed within [one year] **three years** after the tax is mistakenly or erroneously paid. The governing body, or other appropriate body or official of the county or city not within a county, shall make available to the collector funds necessary to make refunds under this subsection by issuing warrants upon the fund to which the mistaken or erroneous payment has been credited, or otherwise.

6. No taxpayer shall receive any interest on any money paid in by [him] **the taxpayer** erroneously.

7. All protested taxes shall be invested by the collector in the same manner as assets specified in section 30.260, RSMo, for investment of state moneys. A taxpayer who is entitled to a refund of protested taxes shall also receive the interest earned on the investment thereof. If the collector is ordered to release and disburse all or part of the taxes paid under protest to the proper official, such taxes shall be disbursed along with the proportional amount of interest earned on the investment of the taxes due the particular taxing authority.

8. On or before March first next following the delinquent date of taxes paid under protest, the county collector shall notify any taxing authority of the taxes paid under protest which would be received by such taxing authority if the funds were not the subject of a protest. Any taxing authority may apply to the circuit court of the county or city not within a county in which a collector has impounded protested taxes under this section and, upon a satisfactory showing that such taxing authority would receive such impounded tax funds if they were not the subject of a protest and that such taxing authority has the financial ability and legal capacity to repay such impounded tax funds in the event a decision ordering a refund to the taxpayer is subsequently made, the circuit court shall order, pendente lite, the disbursal of all or any part of such impounded tax funds to such taxing authority. The circuit court issuing an order under this subsection shall retain jurisdiction of such matter for further proceedings, if any, to compel restitution of such tax funds to the taxpayer. In the event that any protested tax funds refunded to a taxpayer were disbursed to a taxing authority under this subsection instead of being held and invested by the collector under subsection 7 of this section, such taxing authority shall pay the taxpayer entitled to the refund of such protested taxes the same amount of interest, as determined by the circuit court having jurisdiction in the matter, such protested taxes would have earned if they had been held and invested by the collector.

9. No appeal filed shall stay any order of refund, but the decision filed by any court of last review modifying the circuit court's or state tax commission's determination pertaining to the

amount of refund shall be binding on the parties, and the decision rendered shall be complied with by the party affected by any modification within ninety days of the date of such decision. No taxpayer shall receive any interest on any additional award of refund, and the collector shall not receive any interest on any ordered return of refund in whole or in part.

Approved July 3, 2003

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## HB 75 [HB 75]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

### **Allows qualified applicants to receive two sets of silver star license plates.**

AN ACT to repeal section 301.456, RSMo, and to enact in lieu thereof one new section relating to special license plates.

#### SECTION

A. Enacting clause.

301.456. Silver star, special license plate — application procedure — design — fee.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 301.456, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.456, to read as follows:

**301.456. SILVER STAR, SPECIAL LICENSE PLATE — APPLICATION PROCEDURE — DESIGN — FEE.** — Any person who has been awarded the military service award known as the "Silver Star" may apply for special motor vehicle license plates for any vehicle such person owns, either solely or jointly, [for issuance either to passenger motor vehicles subject to the registration fees provided in section 301.055 or for a nonlocal property-carrying commercial motor vehicle licensed for a gross weight of nine thousand one pounds to twelve thousand pounds as provided in section 301.057] **other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.** Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof as a recipient of the silver star as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the advisory committee established in section 301.129, with the words "SILVER STAR" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the silver star. There shall be an additional fee charged for each set of silver star license plates issued pursuant to this section equal to the fee charged for personalized license plates. No more than [one set] **two sets** of silver star license plates shall be issued to a qualified applicant. License plates issued under the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

Approved June 24, 2003

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## HB 93 [HCS HB 93]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Authorizes a conveyance of a permanent easement on state property to the City of Fulton.**

AN ACT to authorize the conveyance of property owned by the state in the county of Callaway to the city of Fulton, with an emergency clause.

## SECTION

1. Conveyance of a permanent easement by the state to the city of Fulton for a hiking and biking trail -- reversion, when, conditions.
- A. Emergency clause.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION 1. CONVEYANCE OF A PERMANENT EASEMENT BY THE STATE TO THE CITY OF FULTON FOR A HIKING AND BIKING TRAIL — REVERSION, WHEN, CONDITIONS. — 1.** The governor is hereby authorized and empowered to convey a permanent easement on property owned by the state in the county of Callaway to the city of Fulton for the purpose of constructing a hiking and biking trail. The easement to be conveyed is more particularly described as follows:

A 20' permanent easement located in the east half of the southwest quarter and in the northwest quarter of the southeast quarter of Section 16, T47N, R9W of the 5th Principal Meridian, in Fulton, Callaway County, Missouri, more particularly described as follows:

Commencing at the section corner common to Sections 16, 17, 20, 21; Thence S87°22'59"E, along the south line of the southwest quarter of the southwest quarter of Section 16, 1237.50 feet, said point being N87°22'59"W, 82.50 feet from the southwest corner of the southeast quarter of the southwest quarter of said Section 16; Thence N1°41'00"E, along the west line of a unrecorded survey by RLS #1188, dated December, 1979, and a Quitclaim Deed recorded in Book 349, Page 762 of the Callaway County Recorder's Office, Fulton, Missouri, 1033.47 feet to the south right-of-way line of Missouri State Route "O"; Thence S88°55'31"E, along the south right-of-way line of said Missouri State Route "O", 607.20 feet to the P.C. station (18+43.4) of a curve to the left having a radius of 1939.86 feet, a arc length of 13.87 feet, a chord bearing of S89°07'48"E, 13.87 feet; Thence leaving said Missouri State Route "O" right-of-way S2°36'19"W, along an existing fence being the west line of the Missouri State Hospital property as described in said Quitclaim Deed, 795.77 feet to the intersection of the centerline of a 20' permanent easement and POINT OF BEGINNING; Thence along said centerline a curve to the right having a radius of 100.00 feet, a arc length of 89.34 feet, a chord bearing of N61°10'18"E, 86.40 feet; Thence N86°15'05"E, 35.00 feet; Thence along a curve to the left having a radius of 95.00 feet, a arc length of 148.23 feet, a chord bearing of N41°33'04"E, 133.65 feet and the point of reverse curve; Thence along a curve to the right having a radius of 95.00 feet, a arc length of 38.59 feet, a chord bearing of N8°29'14"E, 38.32 feet; Thence N20°07'26"E, 149.70 feet; Thence along a curve to the left having a radius of 200.00 feet, a arc length of 115.02 feet, a chord bearing of N3°38'56"E, 113.44 feet; Thence N12°49'34"W, 155.68 feet; Thence along a curve to the right having a radius of 95.00 feet, a arc length of 90.50 feet, a chord bearing of N14°27'52"E, 87.12 feet; Thence N41°45'18"E, 128.67 feet; Thence along a curve to the right having a radius of 95.00 feet, a arc length of 57.37 feet, a chord bearing of N59°03'23"E, 56.51 feet; Thence N76°21'28"E, 41.89 feet; Thence along a curve to the left having a radius of 35.00 feet, a

arc length of 39.72 feet, a chord bearing of N43°50'43"E, 37.62 feet to the south right-of-way line of Missouri State Route "O" at station 22+70.45 AH; Thence entering said Route "O" right-of-way and continuing along said curve to the left, a arc length of 13.41 feet, a chord bearing N0°21'24"E, 13.33 feet; Thence N10°37'11"W, 38.95 feet; Thence along a curve to the right having a radius of 35.00 feet, a arc length of 8.04 feet, a chord bearing of N4°02'02"W, 8.03 feet to the north right-of-way line of Missouri State Route "O" at station 22+74.05 AH.; Thence leaving said Route "O" right-of-way and continuing along said curve to the right, a arc length 35.27 feet, a chord bearing of N31°25'15"E, 33.80 feet; Thence N60°17'24"E, 194.94 feet; Thence along a curve to the right having a radius of 150.00 feet, a arc length of 93.88 feet, a chord bearing of N78°13'09"E, 92.35 feet; Thence S83°51'07"E, 374.88 feet more or less to the west right-of-way line of Wood Street and being 66.20 feet more or less north of the north right-of-way line of Missouri State Route "O" and the end of this easement, containing 0.925 acre, more or less.

Also an additional temporary construction easement 10 feet either side of the 20 foot permanent easement described above. Except that part lying in the Missouri State Route "O" right-of-way.

2. In the event that the city of Fulton ceases to use the property as a hiking and biking trail, the easement shall be void, and the state shall have fee title unencumbered by the easement. The city of Fulton shall execute any documents required to remove this easement from the record title of the property.

3. The attorney general shall approve the form of the instrument of conveyance.

**SECTION A. EMERGENCY CLAUSE.** — Because immediate action is necessary to ensure receipt of federal city enhancement funds, section 1 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 1 of this act shall be in full force and effect upon its passage and approval.

Approved May 15, 2003

## HB 97 [HCS HB 97]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Authorizes up to a one percent sales tax for law enforcement purposes in Jefferson County.**

AN ACT to amend chapter 67, RSMo, by adding thereto one new section relating to a law enforcement sales tax.

### SECTION

A. Enacting clause.

67.584. Sales tax authorized, Jefferson County — proceeds to be used for county prosecutor's office and law enforcement services — ballot language.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 67, RSMo, is amended by adding thereto one new section, to be known as section 67.584, to read as follows:

**67.584. SALES TAX AUTHORIZED, JEFFERSON COUNTY — PROCEEDS TO BE USED FOR COUNTY PROSECUTOR'S OFFICE AND LAW ENFORCEMENT SERVICES — BALLOT LANGUAGE.**

— 1. The governing body of any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants, is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half percent on all retail sales made in such county which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, for the purpose of providing law enforcement services for such county. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary, or special election, a proposal to authorize the governing body of the county to impose a tax.

2. If the proposal submitted involves only authorization to impose the tax authorized by this section, the ballot of submission shall contain, but need not be limited to, the following language:

"Shall the county of ..... (county's name) impose a countywide sales tax of ..... (insert amount) for the purpose of providing law enforcement services for the county?"

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If a proposal receives less than the required majority, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. Twenty-five percent of the revenue received by a county treasurer from the tax authorized pursuant to this section shall be deposited in a special trust fund and shall be used solely by a prosecuting attorney's office for such county for so long as the tax shall remain in effect. The remainder of revenue shall be deposited in the county law enforcement sales tax trust fund established pursuant to section 67.582 of the county levying the tax pursuant to this section. The revenue derived from the tax imposed pursuant to this section shall be used for public law enforcement services only. No revenue derived from the tax imposed pursuant to this section shall be used for any private contractor providing law enforcement services or for any private jail.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the prosecuting attorney's trust fund shall be used solely by a prosecuting attorney's office for the county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue pursuant to this section on behalf of any county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in

section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "County Prosecuting Attorney's Office Sales Tax Trust Fund" or in the county law enforcement sales tax trust fund, pursuant to the deposit ratio in subsection 3 of this section. The moneys in the trust funds shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trusts and which was collected in each county imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust funds during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from either trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the funds for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust funds and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days before the effective date of the repeal and the director of revenue may order retention in the appropriate trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayments of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county established pursuant to this section. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

Approved July 10, 2003

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## HB 99 [HB 99]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### **Changes certain campaign contribution limits.**

AN ACT to repeal section 130.016, RSMo, and to enact in lieu thereof one new section relating to campaign contribution filing requirements.

#### **SECTION**

A. Enacting clause.

130.016. Certain candidates exempt from filing requirements — procedure for exemption — restrictions on subsequent contributions and expenditures — rejection of exemption.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

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**SECTION A. ENACTING CLAUSE.** — Section 130.016, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 130.016, to read as follows:

**130.016. CERTAIN CANDIDATES EXEMPT FROM FILING REQUIREMENTS — PROCEDURE FOR EXEMPTION — RESTRICTIONS ON SUBSEQUENT CONTRIBUTIONS AND EXPENDITURES — REJECTION OF EXEMPTION.** — 1. No candidate for statewide elected office, general assembly, [judicial office other than municipal judge,] or municipal office in a city with a population of more than one hundred thousand shall be required to comply with the requirements to file a statement of organization or disclosure reports of contributions and expenditures for any election in which neither the aggregate of contributions received nor the aggregate of expenditures made on behalf of such candidate exceeds five hundred dollars and no single contributor, other than the candidate, has contributed more than [two hundred fifty dollars of the aggregate contributions received] **the amount of the limitation on contributions to elect an individual to the office of state representative as calculated in subsection 2 of section 130.032**, provided that:

(1) The candidate files a sworn exemption statement with the appropriate officer that the candidate does not intend to either receive contributions or make expenditures in the aggregate of more than five hundred dollars or receive contributions from any single contributor, other than [himself or herself] **the candidate**, that aggregate more than [two hundred fifty dollars] **the amount of the limitation on contributions to elect an individual to the office of state representative as calculated in subsection 2 of section 130.032**, and that the total of all contributions received or expenditures made by the candidate and all committees or any other person with [his] **the candidate's** knowledge and consent in support of [his] **the candidacy** will not exceed five hundred dollars and that the aggregate of contributions received from any single contributor will not exceed [two hundred fifty dollars] **the amount of the limitation on contributions to elect an individual to the office of state representative as calculated in subsection 2 of section 130.032**. Such exemption statement shall be filed no later than the date set forth in section 130.046 on which a disclosure report would otherwise be required if the candidate does not file the exemption statement. The exemption statement shall be filed on a form furnished to each appropriate officer by the executive director of the Missouri ethics commission. Each appropriate officer shall make the exemption statement available to candidates and shall direct each candidate's attention to the exemption statement and explain its purpose to the candidate; and

(2) The sworn exemption statement includes a statement that the candidate understands that records of contributions and expenditures must be maintained from the time the candidate first receives contributions or makes expenditures and that an exemption from filing a statement of organization or disclosure reports does not exempt the candidate from other provisions of this chapter. Each candidate described in subsection 1 of this section, who files a statement of exemption, shall file a statement of limited activity for each reporting period, described in section 130.046.

2. Any candidate who has filed an exemption statement as provided in subsection 1 of this section shall not accept any contribution or make any expenditure in support of the person's candidacy, either directly or indirectly or by or through any committee or any other person acting with the candidate's knowledge and consent, which would cause such contributions or expenditures to exceed the limits specified in subdivision (1) of subsection 1 of this section unless the candidate later rejects the exemption pursuant to [the provisions of] subsection 3 of this section. Any contribution received in excess of such limits shall be returned to the donor or transmitted to the state treasurer to escheat to the state.

3. If, after filing the exemption statement provided for in this section, the candidate subsequently determines the candidate wishes to exceed any of the limits in subdivision (1) of subsection 1 of this section, the candidate shall file a notice of rejection of the exemption with the appropriate officer; however, such rejection shall not be filed later than thirty days before

election. A notice of rejection of exemption shall be accompanied by a statement of organization as required by section 130.021 and any other statements and reports which would have been required if the candidate had not filed an exemption statement.

4. A primary election and the immediately succeeding general election are separate elections, and restrictions on contributions and expenditures set forth in subsection 2 of this section shall apply to each election; however, if a successful primary candidate has correctly filed an exemption statement prior to the primary election and has not filed a notice of rejection prior to the date on which the first disclosure report applicable to the succeeding general election is required to be filed, the candidate shall not be required to file an exemption statement for that general election if the limitations set forth in subsection 1 of this section apply to the succeeding general election.

5. A candidate who has an existing candidate committee formed for a prior election for which all statements and reports required by this chapter have been properly filed shall be eligible to file the exemption statement as provided in subsection 1 of this section and shall not be required to file the disclosure reports pertaining to the election for which the candidate is eligible to file the exemption statement if the candidate and the treasurer or deputy treasurer of such existing candidate committee continue to comply with the requirements, limitations and restrictions set forth in subsections 1, 2, 3 and 4 of this section. The exemption permitted by this subsection does not exempt a candidate or the treasurer of the candidate's existing candidate committee from complying with the requirements of subsections 6 and 7 of section 130.046 applicable to a prior election.

6. No [nonpartisan] candidate for supreme court, circuit court, or associate circuit court, or candidate for political party office, or for county office or municipal office in a city of one hundred thousand or less, or for any special purpose district office shall be required to file an exemption statement pursuant to this section in order to be exempted from forming a committee and filing disclosure reports required of committees pursuant to this chapter if the aggregate of contributions received or expenditures made by the candidate and any other person with the candidate's knowledge and consent in support of the person's candidacy does not exceed one thousand dollars and the aggregate of contributions from any single contributor does not exceed [two hundred fifty dollars] **the amount of the limitation on contributions to elect an individual to the office of state representative as calculated in subsection 2 of section 130.032**. No candidate for any office listed in this subsection shall be excused from complying with the provisions of any section of this chapter, other than the filing of an exemption statement under the conditions specified in this subsection.

7. If any candidate for an office listed in subsection 6 of this section exceeds the limits specified in subsection 6 of this section, the candidate shall form a committee no later than thirty days prior to the election for which the contributions were received or expended which shall comply with all provisions of this chapter for committees.

Approved July 3, 2003

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HB 121 [SS SCS HS HCS HB 121]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Requires health insurance carriers to include chiropractors as providers for covered conditions under basic health care coverage.**

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AN ACT to repeal sections 354.085, 354.405, 354.603, and 430.225, RSMo, and to enact in lieu thereof six new sections relating to managed care chiropractic services.

SECTION

- A. Enacting clause.
- 354.085. Membership contract forms, approval by director, when — time for filing — time for disapproval.
- 354.405. Certificate of authority, who may make application — foreign corporation may qualify, requirements — procedure.
- 354.603. Sufficiency of health carrier network, requirements, criteria — access plan filed with the department, when.
- 376.1230. Chiropractic care coverage, limits, exclusions.
- 376.1231. Chiropractic care coverage, rates, terms, and conditions.
- 430.225. Definitions — distribution of insurance proceeds — limitation on liability.
- 430.225. Definitions — distribution of insurance proceeds — limitation on liability.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 354.085, 354.405, 354.603, and 430.225, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 354.085, 354.405, 354.603, 376.1230, 376.1231, and 430.225, to read as follows:

**354.085. MEMBERSHIP CONTRACT FORMS, APPROVAL BY DIRECTOR, WHEN — TIME FOR FILING — TIME FOR DISAPPROVAL.** — No corporation subject to the provisions of sections 354.010 to 354.380 shall deliver or issue for delivery in this state a form of membership contract, or any endorsement or rider thereto, until a copy of the form shall have been approved by the director. The director shall not approve any policy forms which are not in compliance with the provisions of sections 354.010 to 354.380 of this state, or which contain any provision which is deceptive, ambiguous or misleading, or which do not contain such words, phraseology, conditions and provisions which are specific, certain and reasonably adequate to meet needed requirements for the protection of those insured. If a policy form is disapproved, the reasons therefor shall be stated in writing; a hearing shall be granted upon such disapproval, if so requested; provided, however, that such hearing shall be held no sooner than fifteen days following the request. The failure of the director of insurance to take action approving or disapproving a submitted policy form within [thirty] **forty-five** days from the date of filing shall be deemed an approval thereof [until such time as the director of insurance shall notify the submitting company, in writing, of his disapproval]. **The director shall not disapprove any deemed policy form for a period of twelve months thereafter. If at any time during that twelve-month period the director determines that any provision of the deemed policy form is contrary to state law, the director shall notify the health services corporation of the specific provision that is contrary to state law, and any specific statute to which the provision is contrary to, and request that the health services corporation file, within thirty days of receipt of the request, an amendment form that modifies the provision to conform to state law. Upon approval of the amendment form by the director, the health services corporation shall issue a copy of the amendment to each individual and entity to which the deemed policy form was previously issued and shall attach a copy of the amendment to the deemed policy form when it is subsequently issued. Such amendment shall have the force and effect as if the amendment was in the original filing or policy.** The director of insurance shall have authority to make such reasonable rules and regulations concerning the filing and submission of such policy forms as are necessary, proper or advisable.

**354.405. CERTIFICATE OF AUTHORITY, WHO MAY MAKE APPLICATION — FOREIGN CORPORATION MAY QUALIFY, REQUIREMENTS — PROCEDURE.** — 1. Notwithstanding any law of this state to the contrary, any person may apply to the director for a certificate of authority to establish and operate a health maintenance organization in compliance with this act. No

person shall establish or operate a health maintenance organization in this state without obtaining a certificate of authority pursuant to sections 354.400 to 354.636. A foreign corporation may qualify pursuant to sections 354.400 to 354.636, subject to its registration to do business in this state as a foreign corporation pursuant to chapter 351, RSMo, and compliance with the provisions of sections 354.400 to 354.636.

2. Every health maintenance organization doing business in this state on September 28, 1983, shall submit an application for a certificate of authority pursuant to subsection 3 of this section within one hundred twenty days of September 28, 1983. Each such applicant may continue to operate until the director acts upon the application. In the event that an application is not submitted or is denied pursuant to section 354.410, the applicant shall henceforth be treated as a health maintenance organization whose certificate of authority has been revoked. Any health maintenance organization licensed by the department of insurance prior to September 28, 1983, and complying with the paid-in capital or guarantee fund requirements of section 354.410 shall be issued a certificate of authority upon filing an amended certificate of authority and an amended articles of incorporation that conform with sections 354.400 to 354.636. When the annual statement of a health maintenance organization subject to the provisions of sections 354.400 to 354.636 is filed and all fees due from the health maintenance organization are tendered, the health maintenance organization's certificate of authority to do business in this state shall automatically be extended pending formal renewal by the director, or until such time as the director should refuse to renew the certificate.

3. Each application for a certificate of authority shall be verified by an officer or authorized representative of the applicant, shall be in a form prescribed by the director, and shall set forth or be accompanied by the following:

(1) A copy of the organizational documents of the applicant such as the articles of incorporation, articles of association, partnership agreement, trust agreement, or other applicable documents, and all amendments thereto;

(2) A copy of the bylaws, rules and regulations, or similar document, if any, regulating the conduct of the internal affairs of the applicant;

(3) A list of the names, addresses, and official positions of the persons who are to be responsible for the conduct of the affairs of the applicant, including all members of the board of directors, board of trustees, executive committee, or other governing board or committee, the principal officers if the applicant is a corporation, and the partners or members if the applicant is a partnership or association;

(4) A copy of any contract made or to be made between any providers and persons listed in subdivision (3) of this subsection and the applicant;

(5) A copy of the form of evidence of coverage to be issued to the enrollees;

(6) A copy of the form of the group contract, if any, which is to be issued to employers, unions, trustees, or other organizations;

(7) Financial statements showing the applicant's assets, liabilities, and sources of financial support. If the applicant's financial affairs are audited by independent certified public accountants, a copy of the applicant's most recent certified financial statement shall be deemed to satisfy this requirement unless the director directs that additional or more recent financial information is required for the proper administration of sections 354.400 to 354.636;

(8) A description of the proposed method of marketing the plan, a financial plan which includes a three-year projection of operating results anticipated, and a statement as to the sources of working capital as well as any other sources of funding;

(9) If the applicant is not domiciled in this state, a power of attorney duly executed by such applicant appointing the director, the director's successors in office, and duly authorized deputies, as the true and lawful attorney of such applicant in and for this state upon whom all lawful process in any legal action or proceeding against the health maintenance organization on a cause of action arising in this state may be served;

(10) A statement reasonably describing the geographic area or areas to be served;

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(11) A description of the complaints procedures to be utilized as required by section 354.445;

(12) A description of the mechanism by which enrollees will be afforded an opportunity to participate in matters of policy and operation;

(13) Evidence demonstrating that the health maintenance organization has provided its enrollees with adequate access to health care providers; and

(14) Such other information as the director may require to make the determinations required in section 354.410.

4. Every health maintenance organization shall file with the director notice of its intention to modify any of the procedures or information described in and required to be filed by this section. Such changes shall be filed with the director prior to the actual modification. If the director does not disapprove the modification within [thirty] **forty-five** days of filing, **citing specific reasons for noncompliance**, such modification shall be deemed approved. **If a filing that is deemed approved is a document described in subdivision (4), (5) or (6) of subsection 3 of this section, the director shall not disapprove the deemed filing for a period of twelve months thereafter. If at any time during that twelve-month period the director determines that any provision of the deemed filing is contrary to state law, the director shall notify the health maintenance organization of the specific provision that is contrary to state law, and any specific statute to which the provision is contrary to, and request that the health maintenance organization file, within thirty days of receipt of the request, an amendment form that modifies the provision to conform to the state law. Upon approval of the amendment form by the director, the health maintenance organization shall issue a copy of the amendment to each individual and entity to which the deemed filing was previously issued and shall attach a copy of the amendment to the deemed filing when it is subsequently issued. Such amendment shall have the force and effect as if the amendment was in the original filing or policy.**

5. A health maintenance organization shall file all contracts of reinsurance. Any agreement between the organization and an insurer shall be subject to the laws of this state regarding reinsurance. All reinsurance agreements and any modifications thereto shall be filed and approved.

6. When the director deems it appropriate, the director may exempt any item from the filing requirements of this section.

**354.603. SUFFICIENCY OF HEALTH CARRIER NETWORK, REQUIREMENTS, CRITERIA — ACCESS PLAN FILED WITH THE DEPARTMENT, WHEN. —** 1. A health carrier shall maintain a network that is sufficient in number and types of providers to assure that all services to enrollees shall be accessible without unreasonable delay. In the case of emergency services, enrollees shall have access twenty-four hours per day, seven days per week. The health carrier's medical director shall be responsible for the sufficiency and supervision of the health carrier's network. Sufficiency shall be determined by the director in accordance with the requirements of this section and by reference to any reasonable criteria, including but not limited to, provider-enrollee ratios by specialty, primary care provider-enrollee ratios, geographic accessibility, reasonable distance accessibility criteria for pharmacy and other services, waiting times for appointments with participating providers, hours of operation, and the volume of technological and specialty services available to serve the needs of enrollees requiring technologically advanced or specialty care.

(1) In any case where the health carrier has an insufficient number or type of participating providers to provide a covered benefit, the health carrier shall ensure that the enrollee obtains the covered benefit at no greater cost than if the benefit was obtained from a participating provider, or shall make other arrangements acceptable to the director.

(2) The health carrier shall establish and maintain adequate arrangements to ensure reasonable proximity of participating providers, including local pharmacists, to the business or

personal residence of enrollees. In determining whether a health carrier has complied with this provision, the director shall give due consideration to the relative availability of health care providers in the service area under, especially rural areas, consideration.

(3) A health carrier shall monitor, on an ongoing basis, the ability, clinical capacity, and legal authority of its providers to furnish all contracted benefits to enrollees. The provisions of this subdivision shall not be construed to require any health care provider to submit copies of such health care provider's income tax returns to a health carrier. A health carrier may require a health care provider to obtain audited financial statements if such health care provider received ten percent or more of the total medical expenditures made by the health carrier.

(4) A health carrier shall make its entire network available to all enrollees unless a contract holder has agreed in writing to a different or reduced network.

2. A health carrier shall file with the director, in a manner and form defined by rule of the department of insurance, an access plan meeting the requirements of sections 354.600 to 354.636 for each of the managed care plans that the health carrier offers in this state. The health carrier may request the director to deem sections of the access plan as proprietary or competitive information that shall not be made public. For the purposes of this section, information is proprietary or competitive if revealing the information will cause the health carrier's competitors to obtain valuable business information. The health carrier shall provide such plans, absent any information deemed by the director to be proprietary, to any interested party upon request. The health carrier shall prepare an access plan prior to offering a new managed care plan, and shall update an existing access plan whenever it makes any change as defined by the director to an existing managed care plan. The director shall approve or disapprove the access plan, or any subsequent alterations to the access plan, within sixty days of filing. The access plan shall describe or contain at a minimum the following:

- (1) The health carrier's network;
- (2) The health carrier's procedures for making referrals within and outside its network;
- (3) The health carrier's process for monitoring and assuring on an ongoing basis the sufficiency of the network to meet the health care needs of enrollees of the managed care plan;
- (4) The health carrier's methods for assessing the health care needs of enrollees and their satisfaction with services;
- (5) The health carrier's method of informing enrollees of the plan's services and features, including but not limited to, the plan's grievance procedures, its process for choosing and changing providers, and its procedures for providing and approving emergency and specialty care;
- (6) The health carrier's system for ensuring the coordination and continuity of care for enrollees referred to specialty physicians, for enrollees using ancillary services, including social services and other community resources, and for ensuring appropriate discharge planning;
- (7) The health carrier's process for enabling enrollees to change primary care professionals;
- (8) The health carrier's proposed plan for providing continuity of care in the event of contract termination between the health carrier and any of its participating providers, in the event of a reduction in service area or in the event of the health carrier's insolvency or other inability to continue operations. The description shall explain how enrollees shall be notified of the contract termination, reduction in service area or the health carrier's insolvency or other modification or cessation of operations, and transferred to other health care professionals in a timely manner; and

(9) Any other information required by the director to determine compliance with the provisions of sections 354.600 to 354.636.

**3. In reviewing an access plan filed pursuant to subsection 2 of this section, the director shall deem a managed care plan's network to be adequate if it meets one or more of the following criteria:**

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(1) The managed care plan is a Medicare + Choice coordinated care plan offered by the health carrier pursuant to a contract with the federal Centers for Medicare and Medicaid Services;

(2) The managed care plan is being offered by a health carrier that has been accredited by the National Committee for Quality Assurance at a level of "accredited" or better, and such accreditation is in effect at the time the access plan is filed;

(3) The managed care plan's network has been accredited by the joint commission on the accreditation of health organizations for network adequacy, and such accreditation is in effect at the time the access plan is filed. If the accreditation applies to only a portion of the managed care plan's network, only the accredited portion will be deemed adequate; or

(4) The managed care plan is being offered by a health carrier that has been accredited by the utilization review accreditation commission at a level of "accredited" or better, and such accreditation is in effect at the time the access plan is filed.

**376.1230. CHIROPRACTIC CARE COVERAGE, LIMITS, EXCLUSIONS.** — 1. Every policy issued by a health carrier, as defined in section 376.1350, shall provide coverage for chiropractic care delivered by a licensed chiropractor acting within the scope of his or her practice as defined in chapter 331, RSMo. The coverage shall include initial diagnosis and clinically appropriate and medically necessary services and supplies required to treat the diagnosed disorder, subject to the terms and conditions of the policy. The coverage may be limited to chiropractors within the health carrier's network, and nothing in this section shall be construed to require a health carrier to contract with a chiropractor not in the carrier's network nor shall a carrier be required to reimburse for services rendered by a nonnetwork chiropractor unless prior approval has been obtained from the carrier by the enrollee. An enrollee may access chiropractic care within the network for a total of twenty-six chiropractic physician office visits per policy period, but may be required to provide the health carrier with notice prior to any additional visit as a condition of coverage. A health carrier may require prior authorization or notification before any follow-up diagnostic tests are ordered by a chiropractor or for any office visits for treatment in excess of twenty-six in any policy period. The certificate of coverage for any health benefit plan issued by a health carrier shall clearly state the availability of chiropractic coverage under the policy and any limitations, conditions, and exclusions.

2. The provisions of sections 376.1230 and 376.1231 shall not apply to any health plan or contract that is individually underwritten.

3. The provisions of sections 376.1230 and 376.1231 shall not apply to benefits provided under the Medicaid program.

4. The provisions of sections 376.1230 and 376.1231 shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policy of six months' or less duration, or any other similar supplemental policy.

**376.1231. CHIROPRACTIC CARE COVERAGE, RATES, TERMS, AND CONDITIONS.** — A health benefit plan shall provide coverage for treatment of a chiropractic care condition and shall not establish any rate, term, or condition that places a greater financial burden on an insured for access to treatment for a chiropractic care condition than for access to treatment for another physical health condition.

**430.225. DEFINITIONS — DISTRIBUTION OF INSURANCE PROCEEDS — LIMITATION ON LIABILITY.** — 1. As used in sections 430.225 to 430.250, the following terms shall mean:

(1) "Claim", a claim of a patient for:

- (a) Damages from a tort-feasor; or
- (b) Benefits from an insurance carrier;
- (2) "Clinic", a group practice of health practitioners or a sole practice of a health practitioner who has incorporated his or her practice;
- (3) "Health practitioner", a chiropractor licensed pursuant to chapter 331, RSMo, a podiatrist licensed pursuant to chapter 330, RSMo, a dentist licensed pursuant to chapter 332, RSMo, a physician or surgeon licensed pursuant to chapter 334, RSMo, or an optometrist licensed pursuant to chapter 336, RSMo, while acting within the scope of their practice;
- (4) "Insurance carrier", any person, firm, corporation, association or aggregation of persons conducting an insurance business pursuant to chapter 375, 376, 377, 378, 379, 380, 381, or 383, RSMo;
- (5) "Other institution", a legal entity existing pursuant to the laws of this state which delivers treatment, care or maintenance to patients who are sick or injured;
- (6) "Patient", any person to whom a health practitioner, hospital, clinic or other institution delivers treatment, care or maintenance for sickness or injury caused by a tort-feasor from whom such person seeks damages or any insurance carrier which has insured such tort-feasor.

2. Clinics, health practitioners and other institutions, as defined in this section shall have the same rights granted to hospitals in sections 430.230 to 430.250.

3. If the liens of such health practitioners, hospitals, clinics or other institutions exceed fifty percent of the amount due the patient, every health care practitioner, hospital, clinic or other institution giving notice of its lien, as aforesaid, shall share in up to fifty percent of the net proceeds due the patient, in the proportion that each claim bears to the total amount of all other liens of health care practitioners, hospitals, clinics or other institutions. "Net proceeds", as used in this section, means the amount remaining after the payment of contractual attorney fees, if any, and other expenses of recovery.

4. In administering the lien of the health care provider, the insurance carrier may pay the amount due secured by the lien of the health care provider directly, if the claimant authorizes it and does not challenge the amount of the customary charges or that the treatment provided was for injuries caused by the tort-feasor.

5. Any health care provider electing to receive benefits hereunder releases the claimant from further liability on the cost of the services and treatment provided to that point in time.

**[430.225. DEFINITIONS — DISTRIBUTION OF INSURANCE PROCEEDS — LIMITATION ON LIABILITY.** — 1. As used in sections 430.225 to 430.250, the following terms shall mean:

- (1) "Claim", a claim of a patient for:
  - (a) Damages from a tort-feasor; or
  - (b) Benefits from an insurance carrier;
- (2) "Clinic", a group practice of health practitioners or a sole practice of a health practitioner who has incorporated his or her practice;
- (3) "Health practitioner", a chiropractor licensed pursuant to chapter 331, RSMo, a podiatrist licensed pursuant to chapter 330, RSMo, a dentist licensed pursuant to chapter 332, RSMo, a physician or surgeon licensed pursuant to chapter 334, RSMo, or an optometrist licensed pursuant to chapter 336, RSMo, while acting within the scope of their practice;
- (4) "Insurance carrier", any person, firm, corporation, association or aggregation of persons conducting an insurance business pursuant to chapter 375, 376, 377, 378, 379, 380, 381 or 383, RSMo;
- (5) "Other institution", a legal entity existing pursuant to the laws of this state which delivers treatment, care or maintenance to patients who are sick or injured;

(6) "Patient", any person to whom a health practitioner, hospital, clinic or other institution delivers treatment, care or maintenance for sickness or injury caused by a tort-feasor from whom such person seeks damages or any insurance carrier which has insured such tort-feasor.

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4. In administering the lien of the health care provider, the insurance carrier may pay the amount due secured by the lien of the health care provider directly, if the claimant authorizes it and does not challenge the amount of the customary charges or that the treatment provided was for injuries cause by the tort-feasor.

5. Any health care provider electing to receive benefits hereunder releases the claimant from further liability on the cost of the services and treatment provided to that point in time.]

Approved June 20, 2003

## HB 122 [HCS HB 122 & 80]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### **Changes the Kansas City public mass transportation system sales tax expiration date and proceeds expenditures.**

AN ACT to repeal sections 92.402 and 92.418, RSMo, and to enact in lieu thereof two new sections relating to a public mass transportation system sales tax.

#### SECTION

A. Enacting clause.

92.402. Tax, how imposed — rate of tax — boundary changes, procedure, effect of.

92.418. Proceeds of tax, how spent — minority businesses to be given consideration for contracts — when.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 92.402 and 92.418, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 92.402 and 92.418, to read as follows:

**92.402. TAX, HOW IMPOSED — RATE OF TAX — BOUNDARY CHANGES, PROCEDURE, EFFECT OF.** — 1. Any city may, by a majority vote of its council or governing body, impose a sales tax for the benefit of the public mass transportation system operating within such city as provided in sections 92.400 to 92.421.

2. The sales tax may be imposed at a rate not to exceed one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo. Seven and one-half

percent of the sales tax shall be distributed to the interstate transportation authority pursuant to the provisions of section 92.421. The remainder of the tax in excess of such seven and one-half percent shall expire on December 31, [2003] **2005**, on which date the authority shall be in full compliance with handicapped accessibility pursuant to the terms of the Americans with Disabilities Act.

3. Within ten days after the adoption of any ordinance imposing such a sales tax, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance of the council or governing body. The ordinance shall reflect the effective date thereof and shall be accompanied by a map of the city clearly showing the boundaries thereof.

4. If the boundaries of a city in which such sales tax has been imposed shall thereafter be changed or altered, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 92.400 to 92.421 shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.

**92.418. PROCEEDS OF TAX, HOW SPENT — MINORITY BUSINESSES TO BE GIVEN CONSIDERATION FOR CONTRACTS — WHEN.** — 1. All moneys received by a city imposing a sales tax [under the provisions of] **pursuant to** sections 92.400 to 92.421, less two percent for the cost of handling, which shall be deposited in the city's general fund, shall be deposited by the city treasurer, or other city officer authorized by ordinance, in a special fund to be known as the "Public Mass Transportation Trust Fund" for the primary benefit of a public mass transportation system and motor pool operations operating within the city.

2. The moneys in the public mass transportation trust fund accumulated by the city beyond the end of the city's fiscal year in which such funds were collected, and not needed by the city to meet its contractual obligations to an interstate transportation authority or for motor pool operations, may be appropriated and paid directly to such interstate transportation authority to be used by the interstate transportation authority for its general purposes in providing a public mass transportation system within an interstate transportation district, or the city may appropriate and expend such excess funds for the purposes set forth in section 30(a)(2), of article IV, of the Constitution of Missouri, as amended.

3. A city may designate by contract from time to time with an interstate transportation authority to provide specific services, frequency of service, to underwrite a certain fare structure or for any purpose consistent with providing a sound public mass transportation system to serve the city, and the city shall appropriate and pay directly to the interstate transportation authority from the public mass transportation trust fund the amounts of money that the city finds is sufficient to enable the interstate transportation authority to perform its contractual obligations to the city, **including intracommunity transit services**, or a city may appropriate and pay all of the funds on deposit in a public mass transportation trust fund directly to an interstate transportation authority to be used by such interstate transportation authority for its general purposes in providing a public mass transportation system within an interstate transportation district.

4. Any provisions of sections 92.400 to 92.421 to the contrary notwithstanding, seven and one-half percent of the proceeds of any sales tax imposed under sections 92.400 to 92.421 that are appropriated and paid by a city to an interstate transportation authority shall be used only by the city and the interstate transportation authority for the purchase of new equipment, for the construction of public mass transportation facilities or for any other capital expenditures or improvements to the property of the interstate transportation authority, or to pay the interest or principal payments or to satisfy sinking fund requirements on any negotiable notes or bonds or

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other instruments in writing issued by the interstate transportation authority for any of the above purposes.

5. Ninety-two and one-half percent of the proceeds of any sales tax imposed under sections 92.400 to 92.421 that are appropriated and paid by a city to an interstate transportation authority shall be used to supply funds to be applied to the expenses of the organization and costs of operation of the public mass transportation system and the facilities thereof, and may be used to supply additional funds for capital expenditures as set forth in subsection 4 of this section.

6. Transportation authorities operating a public mass transportation system under sections 92.400 to 92.421 may provide for interior and exterior advertising on each vehicle for mass transportation purposes.

7. Transportation authorities operating a public mass transportation system under sections 92.400 to 92.421 shall set and attain goals for the inclusion of minority business enterprises as defined in section 33.750, RSMo, for contracts in operating motor pools, construction, repairs and related projects for the public mass transportation system. The attainment of such goals on these contracts shall be based on the availability of minority-owned businesses operating within the city that perform the services for which such contract is to be awarded.

Approved July 7, 2003

## HB 131 [HCS HB 131]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### **Modifies provisions in the Local Government Employees' Retirement System.**

AN ACT to repeal sections 70.605, 70.635, 70.661, 70.685 and 70.795, RSMo, and to enact in lieu thereof four new sections relating to local government employees' retirement system.

#### SECTION

- A. Enacting clause.
- 70.605. Missouri local government employees' retirement system created — board of trustees, composition, terms — annual meeting — vacancies, how created — oath — appointment of actuary, attorney and investment counselor — mortality tables to be adopted — record of proceedings — hearings, notice — surety bonds — annual audits — expenses of board — rules and regulations, adoption.
- 70.635. Member's termination of employment, effect of — reemployment in system — retirement, service with more than one employer, effect of.
- 70.661. Member deceased before retirement, surviving spouse or dependent children entitled to benefits, when — determination of eligibility.
- 70.795. Contact information for retired members to be provided, when (St. Louis City).
- 70.685. Maximum disability benefit, effect of other benefits or remuneration received by retiree.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 70.605, 70.635, 70.661, 70.685, and 70.795, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 70.605, 70.635, 70.661 and 105.679 to read as follows:

**70.605. MISSOURI LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM CREATED — BOARD OF TRUSTEES, COMPOSITION, TERMS — ANNUAL MEETING — VACANCIES, HOW CREATED — OATH — APPOINTMENT OF ACTUARY, ATTORNEY AND INVESTMENT COUNSELOR — MORTALITY TABLES TO BE ADOPTED — RECORD OF PROCEEDINGS — HEARINGS, NOTICE — SURETY BONDS — ANNUAL AUDITS — EXPENSES OF BOARD — RULES AND**

**REGULATIONS, ADOPTION.** — 1. For the purpose of providing for the retirement or pensioning of the officers and employees and the widows and children of deceased officers and employees of any political subdivision of the state, there is hereby created and established a retirement system which shall be a body corporate, which shall be under the management of a board of trustees herein described, and shall be known as the "Missouri Local Government Employees' Retirement System". Such system may sue and be sued, transact business, invest funds, and hold cash, securities, and other property. **All suits or proceedings directly or indirectly against the system shall be brought in Cole County.** The system shall begin operations on the first day of the calendar month next following sixty days after the date the board of trustees has received certification from ten political subdivisions that they have elected to become employers.

2. The general administration and the responsibility for the proper operation of the system is vested in a board of trustees of seven persons: three persons to be elected as trustees by the members of the system; three persons to be elected trustees by the governing bodies of employers; and one person, to be appointed by the governor, who is not a member, retirant, or beneficiary of the system and who is not a member of the governing body of any political subdivision.

3. Trustees shall be chosen for terms of four years from the first day of January next following their election or appointment, except that of the first board shall all be appointed by the governor by and with the consent of the senate, as follows:

(1) Three persons who are officers or officials of political subdivisions, one for a term of three years, one for a term of two years, and one for a term of one year; and

(2) Three persons who are employees of political subdivisions and who would, if the subdivision by which they are employed becomes an employer, be eligible as members, one for a term of three years, one for a term of two years, and one for a term of one year; and

(3) That person appointed by the governor under the provisions of subsection 2 of this section.

All the members of the first board shall take office as soon as appointed by the governor, but their terms shall be computed from the first day of January next following their appointment, and only one member may be from any political subdivision or be a policeman or fireman.

4. Successor trustees elected or appointed as member trustees shall be members of the retirement system; provided, that not more than one member trustee shall be employed by any one employer, and not more than one member trustee shall be a policeman, and not more than one member trustee shall be a fireman.

5. Successor trustees elected as employer trustees shall be elected or appointed officials of employers and shall not be members of the retirement system; provided, that not more than one employer trustee shall be from any one employer.

6. An annual meeting of the retirement system shall be called by the board in the last calendar quarter of each year in Jefferson City, or at such place as the board shall determine, for the purpose of electing trustees and to transact such other business as may be required for the proper operation of the system. Notice of such meeting shall be sent by registered mail to the clerk or secretary of each employer not less than thirty days prior to the date of such meeting. The governing body of each employer shall certify to the board the name of one delegate who shall be an officer of the employer, and the members of the employer shall certify to the board a member of the employer to represent such employer at such meeting. The delegate certified as member delegate shall be elected by secret ballot by the members of such employer, and the clerk or secretary of each employer shall be charged with the duty of conducting such election in a manner which will permit each member to vote in such election. Under such rules and regulations as the board shall adopt, approved by the delegates, the member delegates shall elect a member trustee for each such position on the board to be filled, and the officer delegates shall elect an employer trustee for each such position on the board to be filled.

7. In the event any member trustee ceases to be a member of the retirement system, or any employer trustee ceases to be an appointed or elected official of an employer, or becomes a

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member of the retirement system, or if the trustee appointed by the governor becomes a member of the retirement system or an elected or appointed official of a political subdivision, or if any trustee fails to attend three consecutive meetings of the board, unless in each case excused for cause by the remaining trustees attending such meeting or meetings, he **or she** shall be considered as having resigned from the board and the board shall, by resolution, declare his **or her** office of trustee vacated. If a vacancy occurs in the office of trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled; provided, however, that the remaining trustees may fill employer and member trustee vacancies on the board until the next annual meeting.

8. Each trustee shall be commissioned by the governor, and before entering upon the duties of his office, shall take and subscribe to an oath or affirmation to support the Constitution of the United States, and of the state of Missouri, and to demean himself faithfully in his **or her** office. Such oath as subscribed to shall be filed in the office of the secretary of state of this state.

9. Each trustee shall be entitled to one vote in the board of trustees. Four votes shall be necessary for a decision by the trustees at any meeting of the board of trustees. Four trustees, of whom at least two shall be member trustees and at least two shall be employer trustees, shall constitute a quorum at any meeting of the board. Unless otherwise expressly provided herein, a meeting need not be called or held to make any decision on a matter before the board. Each member must be sent by the executive secretary, a copy of the matter to be decided with full information from the files of the board. The concurring decisions of four trustees may decide the issue by signing a document declaring their decision and sending the written instrument to the executive secretary, provided that no other trustee shall send a dissenting decision to the executive secretary within fifteen days after the document and information was mailed to him **or her**. If any trustee is not in agreement with the four trustees, the matter is to be passed on at a regular board meeting or a special meeting called for that purpose. The board shall hold regular meetings at least once each quarter, the dates of these meetings to be designated in the rules and regulations adopted by the board. Other meetings as deemed necessary may be called by the chairman or by any four trustees acting jointly.

10. The board of trustees shall elect one of their number as chairman, and one of their number as vice chairman, and shall employ an executive secretary, not one of their number, who shall be the executive officer of the board. Other employees of the board shall be chosen only upon the recommendation of the executive secretary.

11. The board shall appoint an actuary or a firm of actuaries as technical advisor to the board on matters regarding the operation of the system on an actuarial basis. The actuary or actuaries shall perform such duties as are required of him or [them] **her** under sections 70.600 to 70.755, and as are from time to time required by the board.

12. The board may appoint an attorney-at-law or firm of attorneys-at-law to be the legal advisor of the board and to represent the board in all legal proceedings.

13. The board may appoint an investment counselor to be the investment advisor of the board.

14. The board shall from time to time, after receiving the advice of its actuary, adopt such mortality and other tables of experience, and a rate or rates of regular interest, as shall be necessary for the actuarial requirements of the system, and shall require its executive secretary to keep in convenient form such data as shall be necessary for actuarial investigations of the experience of the system, and such data as shall be necessary for the annual actuarial valuations of the system.

15. The board shall keep a record of its proceedings, which shall be open to public inspection. It shall prepare annually and render to each employer a report showing the financial condition of the system as of the preceding June thirtieth. The report shall contain, but shall not be limited to, a financial balance sheet; a statement of income and disbursements; a detailed statement of investments acquired and disposed of during the year, together with a detailed statement of the annual rates of investment income from all assets and from each type of

investment; an actuarial balance sheet prepared by means of the last valuation of the system, and such other data as the board shall deem necessary or desirable for a proper understanding of the condition of the system.

16. The board of trustees shall, after reasonable notice to all interested parties, conduct administrative hearings to hear and decide questions arising from the administration of sections 70.600 to 70.755; except, that such hearings may be conducted by a hearing officer who shall be appointed by the board. The hearing officer shall preside at the hearing and hear all evidence and rule on the admissibility of evidence. The hearing officer shall make recommended findings of fact and may make recommended conclusions of law to the board. All final orders or determinations or other final actions by the board shall be approved in writing by at least four members of the board. Any board member approving in writing any final order, determination or other final action, who did not attend the hearing, shall do so only after certifying that he or she reviewed all exhibits and read the entire transcript of the hearing. Within thirty days after a decision or order or final action of the board, any member, retiree, beneficiary or political subdivision adversely affected by that determination or order or final action may take an appeal under the provisions of chapter 536, RSMo. **Jurisdiction over any dispute regarding the interpretation of sections 70.600 to 70.755 and the determinations required thereunder shall lie in the circuit court of Cole County.**

17. The board shall arrange for adequate surety bonds covering the executive secretary and any other custodian of the funds or investments of the board. When approved by the board, said bonds shall be deposited in the office of the secretary of state.

18. The board shall arrange for annual audits of the records and accounts of the system by a certified public accountant or by a firm of certified public accountants. The state auditor shall examine such audits at least once every three years and report to the board and the governor.

19. The headquarters of the retirement system shall be in Jefferson City.

20. The board of trustees shall serve as trustees without compensation for their services as such; except that each trustee shall be paid for any necessary expenses incurred in attending meetings of the board or in the performance of other duties authorized by the board.

21. Subject to the limitations of sections 70.600 to 70.755, the board shall formulate and adopt rules and regulations for the government of its own proceedings and for the administration of the retirement system.

**70.635. MEMBER'S TERMINATION OF EMPLOYMENT, EFFECT OF — REEMPLOYMENT IN SYSTEM — RETIREMENT, SERVICE WITH MORE THAN ONE EMPLOYER, EFFECT OF. — 1.** When a member is no longer employed by any employer in a position covered by the system, he **or she** shall thereupon cease to be a member of the system. Except as otherwise provided in sections 70.600 to 70.755, upon termination of his **or her** membership his **or her** credited service shall be forfeited by him. If such person is not a retiree and becomes reemployed by any employer in a position covered by the system, he **or she** shall again become a member of the system. Should such reemployment or employment occur within a period of [four] **ten** years from and after the date his **or her** membership last terminated, his **or her** credited service last forfeited by him **or her** shall be restored to his **or her** credit under the following conditions:

(1) Any membership service or prior service for which he **or she** was required to make member contributions provided for in subsection 2 of section 70.705 shall be restored to his **or her** credit if he **or she** returns to the members deposit fund the amount, if any, he **or she** withdrew therefrom, together with regular interest from the date of withdrawal to the date of repayment;

(2) Any membership service or prior service for which no member contributions were required as provided for in subsection 6 of section 70.705, or for which accumulated contributions were refunded as provided for in section 70.707, shall be restored to his **or her** credit.

2. Upon a member's retirement he **or she** shall thereupon cease to be a member and, except as otherwise provided in sections 70.600 to 70.760, he **or she** shall not again become a member of the system.

3. Should a former member entitled to a deferred allowance provided for in section 70.675 become employed in a position covered by the system before becoming a retirant, he **or she** shall thereupon cease to be entitled to a deferred allowance, and he **or she** shall become a member, with his **or her** previous credited service reactivated and to be increased by such employment.

4. Upon the retirement of a member whose credited service results from employment with more than one employer, the amount of his **or her** allowance shall be based upon his **or her** total credited service in force at the time of his **or her** retirement and his **or her** final average salary during such total credited service. Each such employer shall be responsible financially, within the provisions of sections 70.600 to 70.755, for the portion of such allowance based upon the service credited such member for employment with such employer, and the benefit program to be applied to each such portion of credited service shall be the benefit program such employer had in effect at the time the member left the employment of such employer.

[5. If it is determined by the board at any time that continuous employment to time of retirement will leave a member with less than the minimum number of years of credited service specified in section 70.645, then upon such determination such member shall cease to be a member.]

**70.661. MEMBER DECEASED BEFORE RETIREMENT, SURVIVING SPOUSE OR DEPENDENT CHILDREN ENTITLED TO BENEFITS, WHEN — DETERMINATION OF ELIGIBILITY.** — 1. If a member with five or more years of credited service dies before retirement while an employee, the benefits provided in subsections 2, 3, 4 and 5 of this section shall be paid, as applicable.

2. (1) The surviving spouse to whom the member was married for not less than two years immediately preceding the time of the member's death shall receive an allowance computed in the same manner in all respects as if such member had:

(a) Retired on the first day of the month following the date of his or her death with an allowance for life based upon the member's credited service and final average salary to time of death and without reduction if the member's age was younger than the member's minimum service retirement age;

(b) Elected option A provided for in section 70.660; and

(c) Nominated such spouse as joint beneficiary under such option.

(2) If the board finds that the member's death was the result of an accident that did not arise out of and in the course of his or her actual performance of duty as an employee, the requirement that the surviving spouse must have been married to the member for not less than two years immediately preceding the time of the member's death shall not apply.

3. If the board finds that the member's death was the natural and proximate result of a personal injury or disease arising out of and in the course of his or her actual performance of duty as an employee, then:

(1) Other provisions of law to the contrary notwithstanding, for the purpose of computing the amount of the allowance payable under this section and for the purpose of determining eligibility under subsection 1 of this section, credited service shall include the period from the date of the member's death to the date he or she would have attained age sixty, or the date he or she would have acquired five years of credited service, if later; and

(2) In order to be eligible for spouse benefits, the surviving spouse and the deceased member must have been married on the date of the personal injury resulting in the member's death or on the date of onset of the disease resulting in the member's death. In any case of question as to the date of onset of disease resulting in the member's death, the board shall decide the question.

4. If a benefit is not payable under the provisions of subsection 2 or 3 of this section, or when such benefit has ceased to be payable, each dependent child of the deceased member, if

any, shall receive an allowance of an equal share of sixty percent of an allowance computed in the same manner in all respects as if such deceased member had retired on the first day of the month following the date of his or her death with an allowance for life based upon the member's credited service and final average salary to time of death and without reduction if the member's age was younger than the member's minimum service retirement age. A child shall be a dependent child until the child's death or marriage or attainment of age eighteen, whichever occurs first; provided, the age eighteen maximum shall be extended as long as the child continues uninterruptedly being a full-time student at an accredited secondary school or college or university, but in no event beyond attainment of age twenty-three; **provided further, that if a full-time student eligible for or receiving benefits under this section is ordered to military duty, his or her benefit shall be suspended during such period of military duty, and shall be reinstated upon his or her return to school not later than the beginning of the academic term immediately following his or her return from military duty, in which case his or her eligibility for dependent child benefits shall be extended by the number of months of military duty, but in no event beyond attainment of age 25;** provided further, the age eighteen maximum shall be extended for any child who has been found totally incapacitated by a court of competent jurisdiction for as long as such incapacity exists. Upon a child ceasing to be a dependent child, his or her allowance shall terminate, and there shall be a redetermination of the amounts payable to any remaining dependent children.

5. In the event all of the allowances provided for in this section, payable on account of the death of a member, terminate before there has been paid an aggregate amount equal to the accumulated contributions standing to the deceased member's credit in the member's deposit fund at the time of death, the difference between such accumulated contributions and such aggregate amount of allowance payments shall be paid to such person as the member shall have nominated by written designation duly executed and filed with the board. If there be no such designated person surviving at termination, such difference shall be paid to the member's estate or to the estate of the last beneficiary to whom benefits were paid.

**[70.795.] 105.679. CONTACT INFORMATION FOR RETIRED MEMBERS TO BE PROVIDED, WHEN (ST. LOUIS CITY).** — Notwithstanding the provisions of sections 610.010 to 610.035, RSMo, to the contrary, any retirement plan as defined in section 105.660, RSMo, located in a city not within a county, providing retirement benefits for general employees shall provide, upon request by any retiree organization, sufficient information enabling such organization to contact retired members.

**[70.685. MAXIMUM DISABILITY BENEFIT, EFFECT OF OTHER BENEFITS OR REMUNERATION RECEIVED BY RETIRANT.** — 1. If a disability allowance is payable under the provisions of section 70.680, and if the retirant is also receiving workers' compensation benefits under any workers' compensation or similar law on account of the same disability, or if the retirant is receiving remuneration for his or her personal services rendered in any gainful occupation or employment, then in no event shall the amount of the system allowance payable until the member would have attained his minimum service retirement age exceed the difference between the member's final monthly salary and the total of the following amounts:

- (1) The monthly workers' compensation benefit, if any; and
- (2) The monthly benefit, if any, payable from the federal Social Security Old Age, Survivors, and Disability Insurance Program on account of the same disability; and
- (3) The portion of any monthly remuneration received by the retirant for personal services rendered in any gainful occupation or employment which is more than the amount of such monthly remuneration being received at the time of the member's separation from service.

2. For purposes of this section, the member's "final monthly salary" shall mean the monthly average of compensation paid to the member during the most recent calendar year preceding the member's separation from service.

3. For purposes of this section, the "monthly remuneration being received at the time of the member's separation from service" shall mean one-twelfth of the member's remuneration for personal services rendered in any gainful occupation or employment not covered by the system during the most recent calendar year preceding the member's separation from service.]

Approved July 9, 2003

## HB 133 [HCS HB 133]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### **Changes filing requirements for contests of elections of circuit and associate circuit judges.**

AN ACT to repeal sections 115.531 and 115.575, RSMo, and to enact in lieu thereof two new sections relating to elections of circuit and associate circuit judges.

#### SECTION

- A. Enacting clause.
- 115.531. Petition to contest primary election, contents of — filing in incorrect circuit, procedure.
- 115.575. Contests for office of circuit judge, where heard — other contests, where heard — filing in incorrect circuit, procedure.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 115.531 and 115.575, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 115.531 and 115.575, to read as follows:

**115.531. PETITION TO CONTEST PRIMARY ELECTION, CONTENTS OF — FILING IN INCORRECT CIRCUIT, PROCEDURE. — 1.** Not later than five days after the official announcement of the results of a primary election is issued by the election authority or the secretary of state, as the case may be, any candidate desiring to contest the primary election shall file a verified petition in the office of the clerk of the circuit court of any circuit in which part of the election was held and in which any alleged irregularity occurred, **unless the office involved in the contest is that of a circuit or associate circuit judge not subject to section 25, article V, Constitution of Missouri, in which case the verified petition shall be filed, heard, and determined by an adjoining circuit court selected by the contestant as specified in section 115.575.** The contestant shall only be required to file one petition with the circuit court for each election contest regardless of the number of counties within the court's jurisdiction. The petition shall set forth the points on which the contestant wishes to contest the election and the facts the contestant will prove in support of such points, and shall pray leave to produce such proof. The judge of the court shall immediately note on the petition the date it was filed and shall immediately set a date, not later than five days after the petition is filed, for a preliminary hearing. If the petition is filed in vacation, the judge of the circuit court shall immediately convene the court in special session for the purpose of hearing the contest. If no regular judge of the court is available the supreme court shall immediately assign another judge. The circuit court in which the petition is filed shall have exclusive jurisdiction over all matters relating to the contest and may issue appropriate orders to all election authorities in the area in which the contested election was held.

**2. If a petition contesting a primary election is filed in an incorrect circuit, the court in which it is filed shall have jurisdiction and shall promptly transfer the suit to the correct circuit court.**

**115.575. CONTESTS FOR OFFICE OF CIRCUIT JUDGE, WHERE HEARD — OTHER CONTESTS, WHERE HEARD — FILING IN INCORRECT CIRCUIT, PROCEDURE. — 1. Notwithstanding any provision of this chapter to the contrary, all contested elections for the office of circuit or associate circuit judge not subject to the provisions of article V, section 25 of the state constitution, whether contested on the basis of qualification, irregularity, or other cause, or for recount other than the automatic recount provided for in section 115.601, and whether in a primary or general election, shall be filed in and heard and determined by an adjoining circuit court selected by the contestant.**

**2. All contested elections on any office or question other than those provided for in sections 115.555, 115.563 and subsection 1 of this section shall be heard and determined by the circuit court of any circuit, selected by the contestant, in which all or any part of the election was held and in which any alleged irregularity occurred. The contestant shall only be required to file one petition with the circuit court for each election contest regardless of the number of counties within the court's jurisdiction.**

**3. If a petition contesting any election is filed in an incorrect circuit, the court in which it is filed shall have jurisdiction and shall promptly transfer the suit to the correct circuit court.**

Approved July 9, 2003

## HB 138 [HCS HB 138]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Establishes the Missouri Corrections Officers Training and Standards Commission within the Department of Public Safety and establishes a certification program for corrections officers.**

AN ACT to repeal sections 217.305 and 217.380, RSMo, and to enact in lieu thereof four new sections relating to the department of corrections.

### SECTION

- A. Enacting clause.
- 217.105. Corrections officer certification commission established — definitions — members, qualifications, removal, vacancies, compensation — duties — classifications may be established — records.
- 217.305. Delivery of prisoners to correctional centers with certain required information.
- 217.343. Emancipation of certain juvenile offenders for certain purposes.
- 217.380. Records of violations and convictions of offenders, information required — disciplinary segregation, hearing, time period.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 217.305 and 217.380, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 217.105, 217.305, 217.343, and 217.380, to read as follows:

**217.105. CORRECTIONS OFFICER CERTIFICATION COMMISSION ESTABLISHED — DEFINITIONS — MEMBERS, QUALIFICATIONS, REMOVAL, VACANCIES, COMPENSATION — DUTIES — CLASSIFICATIONS MAY BE ESTABLISHED — RECORDS. — 1. As used in this section, the following terms mean:**

(1) "Director", the director of the Missouri department of corrections or his or her designated agent or representative;

(2) "Corrections officer", a corrections officer of the state or any political subdivision of the state;

(3) "COCC", corrections officer certification commission.

2. There is hereby established within the department of corrections a "Corrections Officer Certification Commission" which shall be composed of nine members nominated by the director and appointed by the governor with the advice and consent of the senate:

(1) Three members shall be department of corrections officers below the rank of lieutenant; of which, at least two will be members of a statewide association of corrections officers with more than one thousand members;

(2) Three members shall be corrections officers or supervisors above the rank of sergeant; two of which must be the rank of lieutenant or captain. Of these three, at least one will be a member of a statewide association of corrections officers with more than one thousand members;

(3) Two members shall be county sheriffs, at least one of whom shall be from a third class county; and

(4) One member shall represent the general public.

3. Each member shall be at the time of appointment a citizen of the United States and a resident of this state for a period of at least one year.

4. The original members of the commission shall be appointed as follows:

(1) Three for terms of one year;

(2) Three for terms of two years; and

(3) Three for terms of three years.

Thereafter, all terms of membership on the commission shall be for three years or until a successor is appointed.

5. The director may remove any member of the commission for misconduct or neglect of office. Any member of the commission may be removed for cause by the director but such member shall first be presented with a written statement of the reasons thereof.

6. Any vacancy in the membership of the commission shall be filled by appointment for the unexpired term.

7. Annually the director shall appoint one of the members as chairperson. The commission shall meet to perform its duties at least once each year as determined by the director or a majority of the members. A majority of the members of the commission shall constitute a quorum.

8. No member of the commission shall receive any compensation for the performance of official duties but the members shall be reimbursed for their necessary expenses.

9. The commission may:

(1) Cause a job task analysis to be made of the jobs of corrections officers pursuant to this chapter; jailers pursuant to chapter 221, RSMo; jailers in charter counties and private jail custody staff;

(2) Make recommendations to the department of corrections, the legislature, or the governor concerning the qualifications, training, testing, and certification of corrections officers, jailers and private jail custody staff;

(3) Recommend qualifications and training standards for corrections officers pursuant to this chapter, jailers pursuant to chapter 221, RSMo, and jailers in charter counties.

10. The director may establish various classes of corrections officers certification.

11. The name, certification status, and employing corrections agency of any of the applicants or individuals certified pursuant to this chapter shall be open record. All other records retained by the director pertaining to any applicant or certified officer shall be confidential and shall not be disclosed to the public or any member of the public, except with the written consent of the person or entity whose records are involved, provided, however, that the director may disclose such information in the course of interstate exchange of information, during the course of litigation involving the director or to other state agencies. No closed record conveyed to the director pursuant to this chapter shall lose its status as a closed record solely because it is retained by the director. Nothing in this chapter shall be used to compel the director to disclose any record subject to attorney-client privilege or work-product privilege.

**217.305. DELIVERY OF PRISONERS TO CORRECTIONAL CENTERS WITH CERTAIN REQUIRED INFORMATION.** — 1. The sheriff or other officer charged with the delivery of persons committed to the department for confinement in a correctional center shall deliver the person to the reception and diagnostic center designated by the director at times and dates as designated by the director and shall receive a certificate of delivery of the offender from the center.

2. Appropriate information relating to the offender shall be provided to the department in a written or electronic format, at or before the time the offender is delivered to the department, including, but not limited to:

(1) A **certified** copy of the sentence [received] from the clerk of the sentencing court[. If provided in written form, this document shall be certified by the court] **on the standardized form developed by the office of state courts administrator. Such form shall include specifics on any status violated, court-ordered probation not supervised by the department, the offense cycle number and any court-ordered restitution owed to the victim;**

(2) [All other judgment, sentencing and commitment orders of the court, or such documents as authorized by the prosecuting attorney or circuit attorney or required by the department;

(3) Further] **Available information provided in writing by the prosecutor** regarding the offender's age, crime for which sentenced [and], **probable cause statement**, circumstances surrounding the crime and sentence, **names, telephone numbers, and last know address of victims, victim impact statements, and** personal history, which may include facts related to [his] **the offender's** home environment, **or** work habits, **gang affiliations, if any,** and previous convictions and commitments. Such information shall be prepared by the prosecuting attorney of the county or circuit attorney of any city not within a county who was charged with the offender's prosecution;

(3) **Information provided by the sheriff or other officer charged with the delivery of persons committed to the department regarding the offender's physical and mental health while in jail. All records on medication, care, and treatment provided to the offender while in jail shall be provided to the department prior to or upon delivery of the offender. If the offender has had no physical or mental health care or medications while in jail, the sheriff or other officer shall certify that no physical or mental health care or medication records are available. The sheriff shall provide certification of all applicable jail-time credit.**

3. The department may refuse to accept any offender who is delivered for confinement without all required information.

**217.343. EMANCIPATION OF CERTAIN JUVENILE OFFENDERS FOR CERTAIN PURPOSES.** — Offenders who are younger than seventeen years of age and have been adjudicated as an adult shall be emancipated for the purpose of decision-making and participation in all

department programs and services, including but not limited to, medical care, mental health care, treatment programs, educational programs, work assignments, and rehabilitative programs.

**217.380. RECORDS OF VIOLATIONS AND CONVICTIONS OF OFFENDERS, INFORMATION REQUIRED — DISCIPLINARY SEGREGATION, HEARING, TIME PERIOD.** — 1. When an offender is found guilty of a violation of a correctional facility rule or convicted of a felony or misdemeanor, a record of such violation or conviction shall be recorded in the offender's file and in a central record. The record shall clearly state the offense, the reporting officer's name, when and where the violation or offense was committed and the action taken by any disciplinary body or other personnel of the department.

2. An offender who has violated any published rule or regulation of the division or correctional facility relating to the conduct of offenders may, after proper hearing and upon order of the chief administrative officer or his **or her** designee of the correctional facility, be confined in a disciplinary segregation unit for a period not to exceed thirty days. Disciplinary segregation of more than ten days may only be given for serious conduct violations as defined by rule or regulation of the division.

**3. Violation hearings under the provision of subsection 2 of this section are not contested cases under the provisions of chapter 536, RSMo. Violation hearings under the provisions of subsection 2 of this section are not subject to the rules of evidence. The department may promulgate rules for violation hearings under the authority of subsection 2 of section 217.040. The conduct of and order from a violation hearing under the provisions of subsection 2 are final and unappealable.**

Approved July 11, 2003

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## HB 141 [HB 141]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Provides for issuance and enforcement of subpoenas in contested cases before agencies created by constitution or statute and allows any party to enforce them or intervene in the enforcement action.**

AN ACT to repeal section 536.077, RSMo, and to enact in lieu thereof one new section relating to subpoenas.

### SECTION

A. Enacting clause.

536.077. Subpoenas, issuance — form — how served — how enforced.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 536.077, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 536.077, to read as follows:

**536.077. SUBPOENAS, ISSUANCE — FORM — HOW SERVED — HOW ENFORCED.** — In any contested case before an agency created by the constitution or state statute, such agency shall upon request of any party issue subpoenas and shall in a proper case issue subpoenas duces tecum. Subpoenas other than subpoenas duces tecum shall on request of any party be issued

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with the caption and number of the case, the name of the witness, and the date for appearance in blank, but such caption, number, name and date shall be filled in by such party before service. Subpoenas shall extend to all parts of the state, and shall be served and returned as in civil actions in the circuit court. The witness shall be entitled to the same fees and, if compelled to travel more than forty miles from his place of residence, shall be entitled to the same tender of fees for travel and attendance, and at the same time, as is now or may hereafter be provided for witnesses in civil actions in the circuit court, such fees to be paid by the party or agency subpoenaing him, except where the payment of such fees is otherwise provided for by law. The agency **or the party at whose request the subpoena is issued** shall enforce subpoenas by applying to a judge of the circuit court of the county of the hearing or of any county where the witness resides or may be found, for an order upon any witness who shall fail to obey a subpoena to show cause why such subpoena should not be enforced, which said order and a copy of the application therefor shall be served upon the witness in the same manner as a summons in a civil action, and if the said circuit court shall, after a hearing, determine that the subpoena should be sustained and enforced, said court shall proceed to enforce said subpoena in the same manner as though said subpoena had been issued in a civil case in the circuit court. **The court shall permit the agency and any party to intervene in the enforcement action.** Any such agency may delegate to any member, officer, or employee thereof the power to issue subpoenas in contested cases; provided that, except where otherwise authorized by law, subpoenas duces tecum shall be issued only by order of the agency or a member thereof.

Approved June 9, 2003

## HB 152 [SCS HCS HB 152 & 180]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

### **Modifies Kansas City police retirement system.**

AN ACT to repeal sections 86.251, 86.370, 86.393, 86.398, 86.407, 86.447, 86.600, 86.671, 86.690, 86.720, 86.745, and 169.712, RSMo, and to enact in lieu thereof twenty-one new sections relating to public employee retirement.

#### SECTION

- A. Enacting clause.
- 86.251. Deferred retirement option plan — election — deposit of retirement allowance in DROP account — termination of participation, when — forms of payment — effect of participation — death of member, payment of funds — accidental disability retirement allowance, effect — interest, amount — approval by IRS — election for monthly survivor annuity, when.
- 86.370. Definitions.
- 86.374. Tax-exempt status of retirement plan to be maintained — assets of system to be held in trust — member benefits vested, when — distribution of benefits.
- 86.393. Administration vested in retirement board — members, how selected — vacancies, how filled.
- 86.394. Board members in active police service, leave to attend educational seminars.
- 86.398. Retirement board, purchase of liability insurance, indemnification of member, how — payment of legal expenses, when.
- 86.407. Board to establish rules and regulations — officers and employees.
- 86.434. Lump-sum option plan distribution of benefits, election procedure — void, when.
- 86.445. Incentives for early retirement, authority to administer and pay.
- 86.447. Pensions of dependents of deceased retired members — funeral benefit — special consultant, duty, compensation.
- 86.600. Definitions.

- 86.611. Tax-exempt status of retirement plan to be maintained — assets of system to be held in trust — member benefits vested, when — distribution of benefits.
- 86.665. Lump-sum option plan distribution, procedure — void, when.
- 86.671. Offsets to workers' compensation payments — rulemaking authorized — member's percentage defined.
- 86.676. Incentives for early retirement, board to administer and pay.
- 86.690. Death of member prior to or following retirement, payments made, how — additional one thousand dollar funeral benefit paid, when.
- 86.720. Board to make rules — officers — employees.
- 86.745. Board may purchase liability insurance — indemnification in case of action, suit, or proceeding — when.
- 168.303. Job-sharing rules to be adopted by board, job sharing defined.
- 169.712. Transfer to public school retirement system, certain nonteacher employees, procedure.
  - 1. Rate of contribution to retirement systems, board to fix and certify.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 86.251, 86.370, 86.393, 86.398, 86.407, 86.447, 86.600, 86.671, 86.690, 86.720, 86.745, and 169.712, RSMo, are repealed and twenty-one new sections enacted in lieu thereof, to be known as sections 86.251, 86.370, 86.374, 86.393, 86.394, 86.398, 86.407, 86.434, 86.445, 86.447, 86.600, 86.611, 86.665, 86.671, 86.676, 86.690, 86.720, 86.745, 168.303, 169.712, and 1, to read as follows:

**86.251. DEFERRED RETIREMENT OPTION PLAN — ELECTION — DEPOSIT OF RETIREMENT ALLOWANCE IN DROP ACCOUNT — TERMINATION OF PARTICIPATION, WHEN — FORMS OF PAYMENT — EFFECT OF PARTICIPATION — DEATH OF MEMBER, PAYMENT OF FUNDS — ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE, EFFECT — INTEREST, AMOUNT — APPROVAL BY IRS — ELECTION FOR MONTHLY SURVIVOR ANNUITY, WHEN. —**

1. The board of trustees may develop and establish a deferred retirement option plan (DROP) in which members who are eligible for retirement but who have not terminated employment as police officers and who have not actually retired may participate. The DROP shall be designed to allow members with at least twenty years of creditable service or who have attained the age of fifty-five who have achieved eligibility for retirement and are entitled to a service retirement allowance and other benefits to postpone actual retirement, continue active employment and accumulate a deferred receipt of the service retirement allowance. No one shall participate in the DROP for a period exceeding five years.

2. Any member who has at least twenty years of creditable service or has attained the age of fifty-five may elect in writing before retirement to participate in the DROP. A member electing to participate in the DROP shall postpone actual retirement, shall continue in active employment and shall not receive any direct retirement allowance payments or benefits during the period of participation.

3. Upon the start of the participation in the DROP, the member shall cease to make any mandatory contributions to the system. No contribution shall be required by the city into the DROP account. During the period of participation in the DROP, the amount that the member would have received as a service retirement allowance if the member had actually retired instead of entering DROP shall be deposited monthly in the member's DROP account which shall be established in the member's name by the board of trustees. The member's service retirement allowance shall not be adjusted for any cost-of-living increases for any period prior to the member's termination of employment as a police officer and actual retirement. Cost-of-living increases, if any, for any period following the member's termination of employment as a police officer and actual retirement shall be applied only to monthly service retirement payments made following termination of employment as a police officer and actual retirement. Service earned during the period of participation in the DROP shall not be creditable service and shall not be counted in determination of any service retirement allowance or surviving spouse's or dependents' benefits. Compensation paid during the period of participation in the DROP shall not be earnable compensation and shall not be counted in the determination of any service retirement allowance or surviving spouse's or dependent's benefits. The member's service retirement

allowance shall be frozen as of the date the member enters DROP. Except as specifically provided in sections 86.200 to 86.366, the member's frozen service retirement allowance shall not increase while the member is participating in DROP or after the member's participation in DROP ends, and the member shall not share in any benefit improvement that is enacted or that becomes effective while such member is participating in the DROP.

4. A member shall cease participation in the DROP upon the termination of the member's employment as a police officer and actual retirement, or at the end of the five-year period commencing on the first day of the member's participation in the DROP, or as of the effective date, but in no event prior to October 1, 2001, of the member's election to return to active participation in the system, whichever occurs first. A member's election to return to active participation in the system before the end of the five-year period commencing on the first day of participation in the DROP shall be made and shall become effective in accordance with procedures established by the board of trustees, but in no event prior to October 1, 2001. Upon the member's termination of employment as a police officer and actual retirement, the member shall elect to receive the value of the member's DROP account, in one of the following forms of payment:

- (a) A lump sum payment; or
- (b) Equal monthly installments over a ten-year period.

Either form of payment should begin within thirty days after the member's notice to the board of trustees that the member has selected a particular option.

5. If a member who is participating in the DROP elects to return to active participation in the system or if a member who is participating in the DROP does not terminate employment **and actually retires** as a police officer in the city for which the retirement system was established pursuant to sections 86.200 to 86.366 [and actually retires] at the end of the five-year period commencing on the first day of the member's participation in the DROP, the member shall return to active participation in the system and shall resume making mandatory contributions to the system effective as of the day after participation in the DROP ends or, if later, October 1, 2001. The board of trustees shall notify the police commissioners to begin deducting mandatory contributions from the member's salary and the member's employment period shall count as creditable service beginning as of the day the member returns to active participation.

6. In no event shall a member whose participation in DROP has ended for any reason be eligible to participate in DROP again.

7. Upon the member's termination of employment as a police officer and actual retirement, the member's mandatory contributions to the retirement system shall be paid to the member pursuant to subsection 4 of section 86.253.

8. If a member dies prior to termination of employment as a police officer and actual retirement while participating in the DROP or before the member has received full withdrawal of the amount in the member's DROP account under the installment optional payment form, the remaining balance of the member's DROP account shall be payable to the member's surviving spouse; or, if the member is then unmarried, to the member's dependent children in equal shares; or, if none, to the member's dependent mother or father; or, if none, to the member's designated beneficiary or, if no such beneficiary is then living, to the member's estate. Payment shall be made in a lump sum within sixty days after receipt by the board of trustees of evidence and proof of the death of a member. In addition, the member's mandatory contributions, if any, that were not already paid to the member pursuant to subsection 4 of section 86.253 shall be paid to the member's surviving spouse pursuant to section 86.288.

9. If a member [has elected to participate in the DROP and during such participation period] applies for and receives benefits for an accidental disability retirement allowance pursuant to the provisions of section 86.263, the member shall forfeit all rights, claims or interest in the member's DROP account and the member's benefits shall be calculated as if the member has continued in employment and had not elected to participate in the DROP. Any portion of a

DROP account that has been forfeited as provided in this subsection shall be a general asset of the system.

10. A member's DROP account shall earn interest equal to the rate of return earned by the system's investment portfolio on a market value basis, including realized and unrealized gains and losses, net of investment expense, as certified by the system's actuary. As of the last day of each plan year beginning after DROP participation begins, the member's DROP account balance, determined as of the last day of the prior plan year, shall be credited with interest at the investment rate earned by the assets of the retirement system for such prior plan year. If distribution of the member's DROP account balance is made in a lump sum under subsection 4 or 8 of this section, interest for the plan year of distribution shall be credited on the ending balance for the prior plan year at the investment rate earned on the assets of the retirement system for the prior plan year, in proportion to the part of the plan year preceding the date of the member's termination of employment or death, whichever is earlier. If the member's DROP account is paid in equal monthly installments pursuant to subsection 4 of this section, interest during the installment period shall be credited as of the last day of each plan year ending after installment payment begins on the account balance as of the first or last day of the plan year, whichever is lower, at the investment rate earned by the assets of the system for the prior plan year. Interest for the year in which the final installment is paid shall be credited on the balance remaining after the final installment is paid, at the investment rate earned on the assets of the system for the prior plan year, in proportion to the part of the plan year preceding payment of the final installment. Any interest credited to the DROP account during the installment period shall be paid as soon as reasonably possible after the final monthly installment. No interest shall be credited on amounts, if any, added to the member's DROP account during the year in which the distribution of the account is completed.

11. The board of trustees shall not incur any liability individually or on behalf of other individuals for any act or omission, made in good faith in relation to the DROP or assets credited to DROP accounts established by this section. The provisions of the Internal Revenue Code and regulations promulgated thereunder shall supersede any provision of this section if there is any inconsistency with the Internal Revenue Code or regulation.

12. Upon the receipt by the board of trustees of evidence and proof that the death of a member resulted from an event occurring while the member was in the actual performance of duty, and if the member is participating in the DROP, the member's surviving spouse or, if the member is then unmarried, the member's unmarried dependent children, may elect within thirty days after the member's death to have the amount in the member's DROP account paid in the form of a monthly survivor annuity. Payment of the survivor annuity shall begin within sixty days after the election is received. Payment to the member's surviving spouse shall continue until the surviving spouse's death; payment to the member's unmarried dependent children shall be made while any child qualifies as an unmarried dependent child pursuant to section 86.280. The survivor annuity shall be the actuarial equivalent of the member's DROP account as of the date of the member's death. In no event shall the total amount paid pursuant to this subsection be less than the member's DROP account balance as of the date of the member's death.

**86.370. DEFINITIONS.** — The following words and phrases as used in sections 86.370 to 86.497, unless a different meaning is plainly required by the context, shall have the following meanings, and the use of masculine gender shall include the feminine:

(1) "Accumulated contributions", the sum of all amounts deducted from the compensation of a member and paid to the retirement board, together with all amounts paid to the retirement board by a member or by a member's beneficiary, for the purchase of prior service credits or any other purpose permitted under sections 86.370 to 86.497;

(2) "Beneficiary", any person in receipt of pension or other benefit as provided in sections 86.370 to 86.497;

(3) "Board of police commissioners", any board composed of police commissioners and any other officials or boards authorized by law to employ and manage an organized police force in the cities;

(4) "City" or "cities", any city which now has or may hereafter have a population of more than three hundred thousand and less than seven hundred thousand inhabitants;

(5) "Compensation", whenever used in connection with members of the police retirement system created by sections 86.370 to 86.497, and whether used solely or as part of another defined term, the regular compensation which a member would earn during one year on the basis of the stated compensation for his rank and position, and therefore excluding any overtime pay, meal and travel expenses, uniform or other clothing allowances, any sick leave or vacation entitlements accrued from prior years, college incentive or skill incentive allowances and any other allowances available only to particular individuals and not a part of the base stated compensation for all persons holding the given rank and position; **except that, notwithstanding the foregoing, compensation for any year for any member shall not exceed the amount permitted to be taken into account under Section 401(a)(17) of the Internal Revenue Code as applicable to such year;**

(6) "Creditable service", prior service plus membership service as provided in section 86.423;

(7) "Final compensation", the average annual compensation of a member during his service if less than two years, or the twenty-four months of his service for which he or she received the highest salary whether consecutive or otherwise. In computing the average annual compensation of a member under this subdivision, no compensation received for service which occurred after the thirtieth full year of membership service and no compensation attributable to any time a member was suspended from service without pay shall be included. For any period of time when a member is paid on a frequency other than monthly, the member's salary for such period shall be deemed to be the monthly equivalent of the member's annual rate of compensation for such period;

(8) "Fiscal year", the fiscal year of the cities;

(9) **"Internal Revenue Code", the United States Internal Revenue Code of 1986, as amended;**

(10) "Medical board", not less than one nor more than three physicians appointed by the retirement board to arrange for and conduct medical examinations as directed by the retirement board;

[(10)] (11) "Member", a member of the police retirement system as defined in section 86.380;

[(11)] (12) "Membership service", all service rendered as a policeman for compensation after June 15, 1946, excluding all probationary service of six months or less served prior to May 1, 1951;

[(12)] (13) "Pension", annual payments for life, payable monthly, beginning with the date of retirement and ending with death; if the total of such monthly payments plus benefits pursuant to section 86.447 is less than the total of the member's accumulated contributions, the excess of such accumulated contributions over the total of such monthly payments shall be paid in one sum to the beneficiary named by the member;

[(13)] (14) "Pension fund", the fund resulting from contributions made thereto by the cities affected by sections 86.370 to 86.497 and by the members of the police retirement system;

[(14) "Policeman"] (15) **"Police officer"**, entitled to membership in the police retirement system created by sections 86.370 to 86.497, is an officer or member of the police department of the cities employed for compensation by the boards of police commissioners of the cities for police duty and includes the chief of police, lieutenant colonels, majors, superintendents, captains, lieutenants, sergeants, corporals, detectives, patrolmen, supervisors, technicians, radio operators, radio dispatchers, jailers, and matrons, but does not include any police commissioner or members of the police reserve corps, or special officers appointed to serve at elections, or temporary police

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appointed at school crossings or special officers appointed to serve during emergencies, or anyone employed in a clerical or other capacity not involving police duties; except that any policeman as herein defined, who is assigned to the performance of other duties for the police departments of the cities, by reason of personal injury by accident or disability arising out of and in the course of his employment as a policeman, shall be and remain a member of the police retirement system without regard to the duties performed under such assignment; in case of dispute as to whether any person is a policeman qualified for membership in the retirement system, the decision of the board of police commissioners shall be final;

[(15)] (16) "Retirement board", the board provided in section 86.393 to administer the retirement system;

[(16)] (17) "Retirement system", the police retirement system of the cities as defined in section 86.373.

**86.374. TAX-EXEMPT STATUS OF RETIREMENT PLAN TO BE MAINTAINED — ASSETS OF SYSTEM TO BE HELD IN TRUST — MEMBER BENEFITS VESTED, WHEN — DISTRIBUTION OF BENEFITS. — 1. A retirement plan under sections 86.370 to 86.497 is a qualified plan pursuant to the provisions of applicable federal law. The benefits and conditions of a retirement plan under sections 86.370 to 86.497 shall always be adjusted to ensure that the tax-exempt status is maintained.**

**2. The retirement board shall administer this retirement system in a manner as to retain at all times qualified status under Section 401(a) of the Internal Revenue Code.**

**3. The retirement board shall hold in trust the assets of this retirement system for the exclusive benefit of the members and their beneficiaries and for defraying reasonable administrative expenses of the system. No part of such assets shall, at any time prior to the satisfaction of all liabilities with respect to members and their beneficiaries, be used for or diverted to any purpose other than such exclusive benefit or to any purpose inconsistent with sections 86.370 to 86.497.**

**4. A member's benefit shall be one hundred percent vested and nonforfeitable upon the member's attainment of normal retirement age, which shall be the earlier of:**

- (1) Completion of twenty-five years of service;**
- (2) Age sixty if the member has completed at least ten years of creditable service;**
- (3) Age seventy without regard to years of service; or**
- (4) To the extent funded, upon the termination of the system established under sections 86.370 to 86.497 or any partial termination which affects the member or any complete discontinuance of contributions by the city to the system.**

**Amounts representing forfeited nonvested benefits of terminated members shall not be used to increase benefits payable from the system but may be used to reduce contributions for future plan years.**

**5. Distribution of benefits shall begin not later than April first of the year following the later of the calendar year during which the member becomes seventy and one-half years of age or the calendar year in which the member retires, and shall otherwise conform to Section 401(a)(9) of the Internal Revenue Code.**

**6. A member or beneficiary of a member shall not accrue a service retirement annuity, disability retirement annuity, death benefit, whether death occurs in the line of duty or otherwise, or any other benefit under sections 86.370 to 86.497 in excess of the benefit limits applicable to the fund under Section 415 of the Internal Revenue Code. The retirement board shall reduce the amount of any benefit that exceeds those limits by the amount of the excess. If the total benefits under this retirement system and the benefits and contributions to which any member is entitled under any other qualified plan or plans maintained by the board of police commissioners that employs the member would otherwise exceed the applicable limits under Section 415 of the Internal Revenue Code, the benefits the member would otherwise receive from this retirement system shall be**

reduced to the extent necessary to enable the benefits to comply with Section 415 of the Internal Revenue Code.

7. The total salary taken into account for any purpose for any member of this retirement system shall not exceed two hundred thousand dollars per year, subject to periodic adjustments in accordance with guidelines provided by the United States Secretary of the Treasury, and shall not exceed such other limits as may be applicable at any given time under Section 401(a)(17) of the Internal Revenue Code.

8. If the amount of any benefit is to be determined on the basis of actuarial assumptions that are not otherwise specifically set forth for that purpose in sections 86.370 to 86.497, the actuarial assumptions to be used are those earnings and mortality assumptions being used on the date of the determination by the retirement system's actuary and approved by the retirement board. The actuarial assumptions being used at any particular time shall be attached as an addendum to a copy of the retirement system's statute that is maintained by the retirement board and shall be treated for all purposes as a part of sections 86.370 to 86.497. The actuarial assumptions may be changed by the retirement system's actuary annually if approved by the retirement board, but a change in actuarial assumptions shall not result in any decrease in benefits accrued as of the effective date of the change.

9. Any member or beneficiary who is entitled to receive any distribution that is an eligible rollover distribution, as defined by Section 402(c)(4) of the Internal Revenue Code, is entitled to have that distribution transferred directly to another eligible retirement plan of the member's or beneficiary's choice upon providing direction to the secretary of this retirement system regarding the transfer in accordance with procedures established by the retirement board.

10. For all distributions made after December 31, 2001:

(1) For the purposes of subsection 9 of this section, an eligible retirement plan shall also mean an annuity contract described in Section 403(b) of the Internal Revenue Code and an eligible plan under Section 457(b) of the Internal Revenue Code which is maintained by the state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this retirement system. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse or to a spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Internal Revenue Code; and

(2) For purposes of subsection 9 of this section, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions which are not includable in gross income. However, such portion may be paid only to an individual retirement account or annuity described in Section 408(a) or 408(b) of the Internal Revenue Code, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of the Internal Revenue Code that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution that is includable in gross income and the portion of such distribution that is not so includable.

**86.393. ADMINISTRATION VESTED IN RETIREMENT BOARD — MEMBERS, HOW SELECTED — VACANCIES, HOW FILLED.** — 1. The general administration and the responsibility for the proper operation of the retirement system and for making effective the provisions of sections 86.370 to 86.497 are hereby vested in a retirement board of nine persons.

2. The board shall be constituted as follows:

(1) Two members, one of whom shall be of the political party casting the highest number of votes statewide for governor in the election next preceding such member's selection and the other of whom shall be of the political party casting the next highest number of votes statewide

for governor at the election next preceding such member's selection, to be selected by the board of police commissioners of such cities to serve one- and two-year terms respectively. All such subsequent members shall serve for terms of two years each or to fill an unexpired term.

(2) Two members, one of whom shall be of the political party casting the highest number of votes statewide for governor in the election next preceding such member's selection and the other of whom shall be of the political party casting the next highest number of votes statewide for governor at the election next preceding such member's selection to be selected by the city council of said city, one of whom may be the director of finance of such city to act as ex officio member, and the other to serve for a term of two years.

(3) Five members shall be elected for three-year terms respectively or to fill an unexpired term, in annual elections in which each member of the police retirement system and, if such city has established a civilian employees' retirement system of the police department of such city pursuant to the provisions of sections 86.600 to 86.790, each member of such civilian employees' retirement system shall be entitled to one vote.

**3.** Commencing with the first annual election for members of the retirement board [after August 28, 1991] **in 2004**, the five elected members of the board shall [include] **be designated and elected as follows:**

**(1) If a city has established a civilian employees' retirement system of the police department of such city pursuant to the provisions of sections 86.600 to 86.790, the elected members of the retirement board of such city shall consist of three restricted members and two open members:**

(a) [At least] **One restricted member shall be** a member of the police retirement system who has retired from active service with the police department as of the date of such member's election to the board;

(b) [At least] **One restricted member shall be** a member of the police retirement system who, as of the date of [his] **such member's** election to the board, is in active service as a [policeman] **police officer** and has not attained the rank of sergeant or higher;

(c) [At least] **One restricted member shall be** a member of the civilian employees' retirement system of the police department of such city[, if such city has established such a system pursuant to the provisions of sections 86.600 to 86.790].

**There shall be no required qualifications for open members. At the annual election in 2004 and each third year thereafter, one open member shall be elected to a three-year term. At the annual election in 2005 and each third year thereafter, one open member shall be elected to a three-year term. At the annual election in 2006 and each third year thereafter, the three restricted members shall be elected to a three-year term. Such elections shall be conducted simultaneously but as elections for three separate offices, in which only persons qualified for a respective office may be a candidate for such office;**

**(2) If a city has not established a civilian employees' retirement system of the police department of such city pursuant to the provisions of sections 86.600 to 86.790, the elected members of the retirement board of such city shall consist of two restricted members and three open members. All provisions of subdivision (1) of this subsection shall apply, except that the restricted membership provided for a member of a civilian employees' retirement system shall be an open membership;**

**(3) In every election in which more than one position is to be filled, either for a three-year term or for the unexpired portion of the term of a position which has become vacant, every candidate in such election must declare the position to which such candidate desires to be elected; and no person may be a candidate for more than one such position in any given election;**

(4) [Whenever] Any person [is] elected to **a restricted position on the** retirement board who at the time of such election meets the qualifications [of paragraph (a), (b), or (c) of subdivision (3) of subsection 2 of this section, that person] **for such position** shall be deemed to continue to meet such qualifications[, and the requirements of this section with respect to

paragraph (a), (b), or (c) of subdivision (3) of subsection 2 of this section, the qualifications of which are so met by such person shall continue to be satisfied,] throughout the term to which such person was elected, regardless of any change in the rank, classification or other employment status of such person[, unless such person dies, resigns as a member of such board or for any other reason ceases to serve as a member of such board.

(5) At the first annual election for members of the retirement board after August 28, 1991, there shall be elected three members to such board for three-year terms, in addition to any other election necessary to fill the unexpired portion of a term in which a vacancy has occurred. At each of the next two such annual elections, there shall be elected one member to such board for a three-year term, in addition to any other election necessary to fill the unexpired portion of a term in which a vacancy has occurred. At such annual election in each subsequent year, there shall be elected one member to such board for a three-year term for each three-year term expiring in such year, in addition to any other election necessary to fill the unexpired portion of a term in which a vacancy has occurred].

[3.] **4.** If a vacancy occurs in the office of a member of the retirement board the vacancy shall be filled for the unexpired term in the same manner as the vacated office was previously filled.

**86.394. BOARD MEMBERS IN ACTIVE POLICE SERVICE, LEAVE TO ATTEND EDUCATIONAL SEMINARS.** — Each member of the retirement board who is in active service with the police department of a city as either a police officer, as defined in section 86.370, or as an employee, as defined in section 86.600, shall be granted authorized leave with pay by such police department to attend any and all educational seminars and like functions that have been authorized by the retirement board, including travel time to and from such functions, not to exceed ten days in any calendar year. Leave granted under this section shall not reduce vacation or other authorized leave time to which such member may be entitled without reference to this section.

**86.398. RETIREMENT BOARD, PURCHASE OF LIABILITY INSURANCE, INDEMNIFICATION OF MEMBER, HOW — PAYMENT OF LEGAL EXPENSES, WHEN.** — **1.** The retirement board may purchase with retirement system assets from one or more insurers licensed to do business in this state one or more insurance policies that provide for reimbursement of this retirement system and any trustee, member of the retirement board, officer, or employee of the retirement system for liability imposed or damages because of an alleged act, error, or omission committed in the trustee's, board member's, officer's, or employee's capacity as a fiduciary, officer, or employee of the retirement system and for costs and expenses, including attorney fees, incurred as a trustee, board member, officer, or employee in defense of a claim for an alleged act, error, or omission, as long as the insurance policy does not provide for reimbursement of a trustee, board member, officer, or employee for liability imposed or expenses incurred because of the trustee's, board member's, officer's, or employee's personal dishonesty, fraud, lack of good faith, or intentional failure to act prudently.

**2.** If the insurance coverage described in subsection 1 of this section is insufficient or is not in effect, the retirement board may indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that [he] the person is or was a member of the retirement board, or is or was serving at the request of the retirement board in the capacity which caused [his] the person's relationship to such action, suit or proceeding, against expenses, including attorneys' fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by [him] the person in connection with such action, suit or proceeding, if [he] the person acted in good faith and without willful malfeasance, and, with respect to any criminal action or proceeding, had reasonable cause to believe [his] the

**relevant** conduct was lawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith, or, with respect to any criminal action or proceeding, that [he] **the person** did not have reasonable cause to believe that [his] **the relevant** conduct was lawful.

[2.] **3.** To the extent that a member of the retirement board has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in [subsection] **subsections 1 and 2** of this section, or in defense of any claim, issue or matter therein, [he] **the person** shall be indemnified against expenses, including attorneys' fees, actually and reasonably incurred [by him] in connection with the action, suit or proceeding **that are not covered by the insurance described in subsection 1 of this section.**

[3.] **4.** Any indemnification under [subsection 1 of] this section, unless ordered by a court, shall be made by the retirement board only as authorized in each specific case upon a determination that indemnification of [a member of the retirement board] **any person potentially entitled to indemnification hereunder** is proper in the circumstances because [he] **the person** has met the applicable standard of conduct set forth in this section. The determination shall be made by the retirement board by a majority vote of a quorum consisting of members of the retirement board who are not parties to the action, suit or proceeding, or if such a quorum is not obtainable, or even if obtainable a quorum of disinterested members of the retirement board so directs, by independent legal counsel in a written opinion. Such legal counsel may but need not be counsel to the retirement system.

[4.] **5.** Expenses incurred in defending a civil or criminal action, suit or proceeding may be paid by the retirement board in advance of the final disposition of the action, suit or proceeding as authorized by the retirement board in the specific case upon receipt of an undertaking by or on behalf of the [member of the retirement board] **person potentially entitled to indemnification hereunder** to repay such amount unless it shall ultimately be determined that [he] **the person** is entitled to be indemnified by the retirement board as authorized in this section.

#### **86.407. BOARD TO ESTABLISH RULES AND REGULATIONS — OFFICERS AND EMPLOYEES.**

— 1. Subject to the limitations of sections 86.370 to 86.497 the retirement board shall, from time to time, establish rules and regulations for the administration of its assets, for the transaction of its business and for the conduct of nominations and elections of the elected members of the retirement board. [Whenever the board deems it necessary in order to maintain compliance with the qualification requirements of subdivision (3) of subsection 2 of section 86.393, the board may restrict nominations for one or more positions on the board to persons possessing the qualifications required under paragraph (a), (b), or (c) of subdivision (3) of subsection 2 of section 86.393.] **The retirement board shall be deemed to be a state agency within the meaning of chapter 536, RSMo.**

2. The retirement board shall elect from its membership, a chairman, a vice chairman and a treasurer and shall, by majority vote of its members, appoint a secretary, who may be, but need not be, one of its members. It may employ such actuarial, legal and other services as may be necessary to transact the business of the retirement system. The compensation of all persons employed by the retirement board and all other expenses of the board necessary for the operation of the retirement system shall be paid in such manner as the retirement board shall determine; provided, that the compensation of such persons as may be employed by the retirement board shall not be greater than the compensation paid for comparable abilities by the governments of the cities in which said retirement board is located.

#### **86.434. LUMP-SUM OPTION PLAN DISTRIBUTION OF BENEFITS, ELECTION PROCEDURE**

— VOID, WHEN. — **1. Any member entitled to commence a pension under section 86.433 with twenty-six years or more of creditable service may elect an optional distribution under the partial lump-sum option plan provided in this section if the member:**

(1) Notifies the retirement system in writing of the member's retirement date at least ninety days in advance of the member's retirement date and requests an explanation of the member's rights under this section; and

(2) Notifies the retirement system of the member's election hereunder at least thirty days in advance of the member's retirement date. Following receipt of an initial notice of a member's retirement date and request for an explanation hereunder, the retirement system shall, at least sixty days in advance of such retirement date, provide the member a written explanation of the member's rights under this section and an estimate of the amount by which the member's regular monthly base pension would be reduced in the event of the member's election of any of the options available to the member under this section.

2. (1) A member entitled to make an election under this section may elect to receive a lump-sum distribution with the member's initial monthly pension payment under section 86.433, subject to all the terms of this section. The member may elect the amount of the member's lump-sum distribution from one, but not more than one, of the following options for which the member qualifies:

(a) A member having twenty-six or more years of creditable service may elect a lump-sum amount equal to twelve times the initial monthly base pension the member would receive if no election were made under this section;

(b) A member having twenty-seven or more years of creditable service may elect a lump-sum amount equal to twenty-four times the initial monthly base pension the member would receive if no election were made under this section; or

(c) A member having twenty-eight or more years of creditable service may elect a lump-sum amount equal to thirty-six times the initial monthly base pension the member would receive if no election were made under this section.

(2) When a member makes an election to receive a lump-sum distribution under this section, the base pension which the member would have received in the absence of the election shall be reduced on an actuarially equivalent basis to reflect the payment of the lump-sum distribution, and the reduced base pension shall be the member's base pension thereafter for all purposes relating to base pension amounts under sections 86.370 to 86.497.

3. An election under this section to receive a lump-sum distribution and reduce monthly base pension shall be void if the member dies before retirement, and amounts due a surviving spouse or other beneficiary of the member shall be determined without regard to such election.

**86.445. INCENTIVES FOR EARLY RETIREMENT, AUTHORITY TO ADMINISTER AND PAY.**

— If a city and the police department of such city adopt any program of incentives to authorize or encourage early retirements, whether for employees not yet eligible for regular retirement or for employees who are eligible but have not yet chosen to retire or for both, the retirement board shall be authorized to administer and pay such incentives for retirees who accept such incentives and are members of this retirement system under sections 86.370 to 86.497, in addition to such other benefits as such members or their beneficiaries are entitled to receive under sections 86.370 to 86.497 provided such city shall so request and shall agree to increase the city's contribution under section 86.477 sufficiently to provide the full actuarial cost of any such incentives in addition to the contribution required of such city necessary, in conjunction with members' contributions under section 86.470, to provide all other benefits provided under sections 86.370 to 86.497.

**86.447. PENSIONS OF DEPENDENTS OF DECEASED RETIRED MEMBERS — FUNERAL BENEFIT — SPECIAL CONSULTANT, DUTY, COMPENSATION.** — 1. Upon receipt of the proper

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proofs of death of a member in service for any reason whatever or of the death of a member after having been retired and pensioned, there shall be paid, in addition to all other benefits but subject to subsection 7 of this section, the following:

(1) If a member dies while in service, such member's surviving spouse, if any, shall be paid a base pension equal to forty percent of the final compensation of such member, subject to subsequent adjustments, if any, as provided in section 86.441;

(2) If a member retires or terminates service after August 28, 1999, and dies after commencement of benefits pursuant to the provisions of sections 86.370 to 86.497, the member's surviving spouse, if any, shall be paid a base pension equal to eighty percent of the pension being received by such member, including cost-of-living adjustments to such pension but excluding supplemental retirement benefits, at the time of such member's death, subject to subsequent adjustments, if any, as provided in section 86.441;

(3) If a member retired or terminated service on or before August 28, 1999, and died after August 28, 1999, and after commencement of benefits, such member's surviving spouse shall upon application to the retirement board, be appointed and employed by the retirement board as a special consultant on the problems of retirement, aging and other matters, and upon request of the retirement board shall give opinions and be available to give opinions in writing or orally in response to such requests, as may be required. For such services, the surviving spouse shall, beginning the later of August 28, 1999, or the time of such appointment under this subsection, be compensated in such amount as shall make the benefits received by such surviving spouse pursuant to this subsection equal to eighty percent of the pension being received by such member, including cost-of-living adjustments to such pension but excluding supplemental retirement benefits, at the time of such member's death, subject to subsequent adjustments, if any, as provided in section 86.441;

(4) Upon the death of any member who is in service after August 28, 2000, and who either had at least twenty-five years of creditable service or was retired or died as a result of an injury or illness occurring in the line of duty or course of employment pursuant to section 86.450, the surviving spouse's benefit provided pursuant to this subsection, without including any supplemental retirement benefits paid such surviving spouse by this retirement system, shall not be less than six hundred dollars per month. For any member who dies, retires or terminates service on or before August 28, 2000, and who either had at least twenty-five years of creditable service or was retired or died as a result of an injury or illness occurring in the line of duty or course of employment pursuant to section 86.450, the surviving spouse shall upon application to the retirement board be appointed by the retirement board as a special consultant on the problems of retirement, aging and other matters, and upon request of the retirement board shall give opinions and be available to give opinions in writing or orally in response to such requests, as may be required. For such services, the surviving spouse shall, beginning the later of August 28, 2000, or the time the appointment is made pursuant to this subsection, be compensated in an amount which without including supplemental retirement benefits provided by this system shall be not less than six hundred dollars monthly. A pension benefit pursuant to this subdivision shall be paid in lieu of any base pension as increased by cost-of-living adjustments granted pursuant to section 86.441. The benefit pursuant to this subdivision shall not be subject to cost-of-living adjustments, but shall be terminated and replaced by the base pension and cost-of-living adjustments to which such spouse would otherwise be entitled at such time as the total base pension and such adjustments exceed six hundred dollars monthly;

(5) Such member's child or children under the age of eighteen years at the time of the member's decease shall be paid fifty dollars per month each, subject to adjustments, if any, as provided in section 86.441, until he or she shall attain the age of eighteen years; however, each such child who is or becomes a full-time student at an accredited educational institution shall continue to receive payments hereunder for so long as such child shall remain such a full-time student or shall be in a summer or other vacation period scheduled by the institution with intent by such child, demonstrated to the satisfaction of the retirement board, to return to such full-time

student status upon the resumption of the institution's classes following such vacation period, but in no event shall such payments be continued after such child shall attain the age of twenty-one years except as hereinafter provided. Any child eighteen years of age or older, who is physically or mentally incapacitated from wage earning, so long as such incapacity exists as certified by a member of the medical board, shall be entitled to the same benefits as a child under the age of eighteen;

(6) A funeral benefit of one thousand dollars.

2. For the purposes of this section, "commencement of benefits" shall begin, for any benefit, at such time as all requirements have been met entitling the member to a payment of such benefit at the next following payment date, disregarding advance notice periods required by any paying agent for physical preparation of the payment, so that a member who dies between the date all such requirements are met and the date when the system would have delivered such member's initial payment shall be deemed to have commenced such benefit.

3. If there is no person qualified to receive a pension as a surviving spouse or if a surviving spouse dies, the total amount which would be received by a qualified surviving spouse or which is being received by the surviving spouse at the date of death of such surviving spouse shall be added to the amounts received by and shall be divided among the children under the age of eighteen years and the incapacitated children in equal shares. As each child attains the age of eighteen years or has such incapacity removed, the total of the surviving spouse's pension shall then be added to and divided among the remaining children, and when there is only one child under the age of eighteen years or incapacitated, whether such child is the sole surviving child of the member or the youngest child of several children, the total amount of the surviving spouse's pension shall be paid to the child until such child reaches the age of eighteen years or such incapacity is removed.

4. (1) The surviving spouse of a member who retired or died prior to August 28, 1997, shall not be entitled to receive benefits or the payment of a pension pursuant to sections 86.370 to 86.497 unless marriage to the member occurred at least two years before the member's retirement or at least two years before the death of the member while in service; provided, that no benefits shall be denied pursuant to this subsection to the surviving spouse of a member whose death occurred in the line of duty or from an occupational disease arising out of and in the course of the member's employment.

(2) No surviving spouse of a member who retired or died while in service after August 28, 1997, and before August 28, 2000, shall be entitled to receive any benefits pursuant to this section unless such spouse was married to the member at the time of the member's retirement or death while in service.

(3) Any surviving spouse who would qualify for benefits pursuant to subdivision (1) or (2) of this subsection and who has not remarried prior to August 28, 2000, but remarries thereafter, shall upon application to the retirement board be appointed by the retirement board as a special consultant on the problems of retirement, aging and other matters, and upon request of the retirement board shall give opinions and be available to give opinions in writing or orally in response to such requests, as may be required. For such services, such surviving spouse shall be compensated in an amount equal to the benefits such spouse would have received pursuant to sections 86.370 to 86.497 in the absence of such remarriage.

(4) No surviving spouse of a member who retires or dies in service after August 28, 2000, shall be entitled to receive any benefits pursuant to sections 86.370 to 86.497 unless such spouse was married to the member at the time of the member's retirement or death in service. Any surviving spouse who was married to such a member at the time of the member's retirement or death in service shall be entitled to all benefits for surviving spouses pursuant to sections 86.370 to 86.497 for the life of such surviving spouse without regard to remarriage.

5. If no benefits are otherwise payable to a surviving spouse or child of a deceased member, the member's accumulated contributions, to any extent not fully paid to such member prior to the

member's death or to the surviving spouse or child of such member, shall be paid in one lump sum to the member's named beneficiary or, if none, to the member's estate.

6. For purposes of this section, a determination of whether a child of a member is physically or mentally incapacitated from wage earning so that the child is entitled to benefits under this section shall be made at the time of the member's death. If a child becomes incapacitated after the member's death, or if a child's incapacity existing at the member's death is removed and such child later becomes incapacitated again, such child shall not be entitled to benefits as an incapacitated child under the provisions of this section. A child shall be deemed incapacitated only for so long as the incapacity existing at the time of the member's death continues.

7. Any beneficiary of benefits pursuant to sections [86.600 to 86.790] **86.370 to 86.497** who becomes the surviving spouse of more than one member shall be paid all benefits due a surviving spouse of that member whose entitlements produce the largest surviving spouse benefits for such beneficiary but shall not be paid surviving spouse benefits as the surviving spouse of more than one member.

**86.600. DEFINITIONS.** — As used in sections 86.600 to 86.790, unless a different meaning is plainly required by the context, the following words and phrases mean:

(1) "Accumulated contributions", the sum of all amounts deducted from the compensation of a member and paid to the retirement board, together with all amounts paid to the retirement board by a member or by a member's beneficiary for the purchase of prior service credits or any other purpose permitted under sections 86.600 to 86.790 in all cases with interest thereon at a rate determined from time to time for such purpose by the retirement board;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of the mortality tables and interest rate as shall be adopted by the retirement board;

(3) "Appointing authority", any person or group of persons having power by law to make appointments to any position in the police departments of the cities;

(4) "Beneficiary", any person receiving a benefit from the retirement system as a result of the death of a member;

(5) "Compensation", the basic wage or salary paid an employee for any period, excluding bonuses, overtime pay, expense allowance, and other extraordinary compensation; **except that, notwithstanding the foregoing, compensation for any year for any member shall not exceed the amount permitted to be taken into account under Section 401(a)(17) of the Internal Revenue Code as applicable to such year;**

(6) "Creditable service", the period of service to which an employee, a former employee, or a member is entitled, as prescribed by sections 86.600 to 86.790;

(7) "Employee", any regularly appointed civilian employee of the police departments of the cities as specified in sections 86.600 to 86.790, who is not eligible to receive a pension from the police pension system;

(8) "Employer", the police boards of the cities as specified in sections 86.600 to 86.790;

(9) "Final compensation", the average annual compensation of a member during his or her service if less than two years, or the twenty-four months of his or her service for which he or she received the highest salary whether consecutive or otherwise. In computing the average annual compensation of a member under this subsection, no compensation attributable to any time a member was suspended from service without pay shall be included. For any period of time when a member is paid on a frequency other than monthly, the member's salary for such period shall be deemed to be the monthly equivalent of the member's annual rate of compensation for such period;

(10) **"Internal Revenue Code", the United States Internal Revenue Code of 1986, as amended;**

(11) "Medical board", the board of physicians chosen by the retirement board;

[(11)] (12) "Member", any member of the retirement system as provided by sections 86.600 to 86.790;

[(12)] (13) "Normal retirement", retirement from the service of the employer on or after the normal retirement date;

[(13)] (14) "Operative date", the date this retirement system becomes operative;

[(14)] (15) "Pension", the annual payments for life which shall be payable in equal monthly installments to a member or his or her spouse;

[(15)] (16) "Retirement board", the persons appointed or elected to be members of the retirement board for civilian employees of police departments of the cities;

[(16)] (17) "Retirement system", the retirement system of the civilian employees of the cities as specified in sections 86.600 to 86.790;

[(17)] (18) "Surviving spouse", the legally married wife or husband of a member surviving the member's death.

**86.611. TAX-EXEMPT STATUS OF RETIREMENT PLAN TO BE MAINTAINED — ASSETS OF SYSTEM TO BE HELD IN TRUST — MEMBER BENEFITS VESTED, WHEN — DISTRIBUTION OF BENEFITS. — 1. A retirement plan under sections 86.600 to 86.790 is a qualified plan pursuant to the provisions of applicable federal law. The benefits and conditions of a retirement plan under sections 86.600 to 86.790 shall always be adjusted to ensure that the tax-exempt status is maintained.**

**2. The retirement board shall administer this retirement system in such manner as to retain at all times qualified status under Section 401(a) of the Internal Revenue Code.**

**3. The retirement board shall hold in trust the assets of this retirement system for the exclusive benefit of the members and their beneficiaries and for defraying reasonable administrative expenses of the system. No part of such assets shall, at any time prior to the satisfaction of all liabilities with respect to members and their beneficiaries, be used for or diverted to any purpose other than such exclusive benefit or to any purpose inconsistent with sections 86.600 to 86.790.**

**4. A member's benefit shall be one hundred percent vested and nonforfeitable upon the member's attainment of normal retirement age, which shall be the earlier of:**

**(1) The attaining of the age of sixty-five or the member's tenth anniversary of employment, whichever is later;**

**(2) When the total sum of age and years of service equals or exceeds eighty; or**

**(3) To the extent funded, upon the termination of the system established under sections 86.600 to 86.790 or any partial termination which affects the member or any complete discontinuance of contributions by the city to the system.**

**Amounts representing forfeited nonvested benefits of terminated members shall not be used to increase benefits payable from the system but may be used to reduce contributions for future plan years.**

**5. Distribution of benefits shall begin not later than April first of the year following the later of the calendar year during which the member becomes seventy and one-half years of age or the calendar year in which the member retires, and shall otherwise conform to Section 401(a)(9) of the Internal Revenue Code.**

**6. A member or beneficiary of a member shall not accrue a service retirement annuity, disability retirement annuity, death benefit, whether death occurs in the line of duty or otherwise, or any other benefit under sections 86.600 to 86.790 in excess of the benefit limits applicable to the fund under Section 415 of the Internal Revenue Code. The retirement board shall reduce the amount of any benefit that exceeds the limits of this section by the amount of the excess. If the total benefits under this retirement system and the benefits and contributions to which any member is entitled under any other qualified plan or plans maintained by the board of police commissioners that employs the member would otherwise exceed the applicable limits under Section 415 of the Internal Revenue Code, the benefits the member would otherwise receive from this retirement system are**

reduced to the extent necessary to enable the benefits to comply with Section 415 of the Internal Revenue Code.

7. The total salary taken into account for any purpose for any member of this retirement system shall not exceed two hundred thousand dollars per year, subject to periodic adjustments in accordance with guidelines provided by the United States Secretary of the Treasury and may not exceed such other limits as may be applicable at any given time under Section 401(a)(17) of the Internal Revenue Code.

8. If the amount of any benefit is determined on the basis of actuarial assumptions that are not specifically set forth for that purpose in sections 86.600 to 86.790, the actuarial assumptions used are those earnings and mortality assumptions used on the date of the determination by the retirement system's actuary and approved by the retirement board. The actuarial assumptions used at any particular time shall be attached as an addendum to a copy of the retirement system's statute maintained by the retirement board and shall be treated for all purposes as part of sections 86.600 to 86.790. The actuarial assumptions may be changed by the retirement system's actuary annually if approved by the retirement board, but a change in actuarial assumptions shall not result in any decrease in benefits accrued as of the effective date of the change.

9. Any member or beneficiary who is entitled to receive any distribution that is an eligible rollover distribution, as defined by Section 402(c)(4) of the Internal Revenue Code, is entitled to have that distribution transferred directly to another eligible retirement plan of the member's or beneficiary's choice upon providing direction to the secretary of this retirement system regarding the transfer in accordance with procedures established by the retirement board.

10. For all distributions made after December 31, 2001:

(1) For the purposes of subsection 9 of this section, an eligible retirement plan shall also mean an annuity described in Section 403(b) of the Internal Revenue Code and an eligible plan under Section 457(b) of the Internal Revenue Code that is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this retirement system. The definition for eligible retirement plan shall also apply in the case of a distribution to a surviving spouse or to a spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Internal Revenue Code; and

(2) For the purposes of subsection 9 of this section, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions which are not includable in gross income. However, such portion may be paid only to an individual retirement account or annuity described in Section 408(a) or 408(b) of the Internal Revenue Code, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of the Internal Revenue Code that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution that is includable in gross income and the portion of such distribution that is not so includable.

**86.665. LUMP-SUM OPTION PLAN DISTRIBUTION, PROCEDURE — VOID, WHEN. — 1.** Any member entitled to commence a pension under either section 86.650 or 86.660 may elect an optional distribution under the partial lump-sum option plan provided in this section if such member:

(1) Notifies the retirement system in writing of such member's retirement date at least ninety days in advance thereof and requests an explanation of such member's rights under this section; and

(2) Notifies the retirement system of the member's election hereunder at least thirty days in advance of the retirement date. Following receipt of an initial notice of a member's

retirement date and request for an explanation hereunder, the retirement system shall, at least sixty days in advance of such retirement date, provide such member a written explanation of such member's rights under this section and an estimate of the amount by which such member's regular monthly base pension would be reduced in the event of the member's election of any of the options available to such member under this section.

2. (1) A member entitled to make an election under this section may elect to receive a lump-sum distribution with such member's initial monthly pension payment under section 86.650 or 86.660, subject to all the terms of this section. The member may elect the amount of the member's lump-sum distribution from one, but not more than one, of the following options for which such member qualifies:

(a) A member having one or more years of creditable service after such member's eligible retirement date may elect a lump-sum amount equal to twelve times the initial monthly base pension the member would receive if no election were made under this section;

(b) A member having two or more years of creditable service after such member's eligible retirement date may elect a lump-sum amount equal to twenty-four times the initial monthly base pension the member would receive if no election were made under this section; or

(c) A member having three or more years of creditable service after such member's eligible retirement date may elect a lump-sum amount equal to thirty-six times the initial monthly base pension the member would receive if no election were made under this section.

For purposes of this section, "eligible retirement date" for a member shall mean the earliest date on which the member could elect to retire and be entitled to receive a pension under either section 86.650 or 86.660.

(2) When a member makes an election to receive a lump-sum distribution under this section, the base pension that the member would have received in the absence of an election shall be reduced on an actuarially equivalent basis to reflect the payment of the lump-sum distribution, and the reduced base pension shall be the member's base pension thereafter for all purposes relating to base pension amounts under sections 86.600 to 86.790.

(3) If a member electing a lump-sum distribution under this section has elected the optional annuity described in section 86.650, the calculation of such member's pension shall be made in the following order:

(a) The amount of the member's normal pension under section 86.650 shall be reduced if applicable by any reductions required under section 86.660;

(b) The amount of the normal pension as determined under paragraph (a) of this subdivision shall be reduced to the actuarially equivalent amount to produce the optional form of annuity described in subsection 2 of section 86.650;

(c) The amount of reduced pension as determined under paragraph (b) of this subdivision shall be further reduced as required to produce an actuarially equivalent benefit in the form of the lump-sum distribution option elected under this section and a remaining monthly annuity which shall be paid on the basis that the annuity for the member's spouse if such spouse survives the member shall be the same amount as the annuity paid the member and shall be paid to such surviving spouse for the lifetime of such spouse without regard to remarriage.

3. An election under this section to receive a lump-sum distribution and reduced monthly base pension shall be void if the member dies before retirement, and amounts due a surviving spouse or other beneficiary of the member shall be determined without regard to such election.

**86.671. OFFSETS TO WORKERS' COMPENSATION PAYMENTS — RULEMAKING AUTHORIZED — MEMBER'S PERCENTAGE DEFINED.** — 1. Any [period] **periodic** payment, excluding payments for medical treatment, which may be paid or payable by the cities pursuant to the provisions of any workers' compensation or similar law to a member or to the dependents of a member on account of any disability or death shall be offset against any benefits payable to the recipient of the workers' compensation payments from funds provided by the cities pursuant to the provisions of sections 86.600 to 86.790 on account of the same disability or death. In no event, however, shall the amount paid from funds pursuant to the provisions of sections 86.600 to 86.790 be less than the amount which represents the member's percentage, as defined in subsection 4 of this section, of total benefits payable pursuant to sections 86.600 to 86.790, before any offset for workers' compensation benefits.

2. Any lump sum amount, excluding payments for medical treatments, which may be paid or payable by the cities pursuant to the provisions of any workers' compensation or similar law to a member or to the dependents of a member on account of any disability or death shall be offset against any benefits payable from funds provided by the cities pursuant to the provisions of sections 86.600 to 86.790 on account of the same disability or death. The amounts by which each periodic payment made pursuant to the provisions of sections 86.600 to 86.790 is offset or reduced shall be computed as the periodic amount necessary to amortize as an annuity over the period of time represented by the respective workers' compensation benefits the total amount of the lump sum settlement received as a workers' compensation benefit by a beneficiary of the retirement system. Such computation shall be based upon the same interest rate and mortality assumptions as used for the retirement system at the time of such computation. In no event, however, shall the amount paid from funds pursuant to the provisions of sections 86.600 to 86.790 be less than the amount which represents the member's percentage, as defined in subsection 4 of this section, of total benefits payable pursuant to sections 86.600 to 86.790, before any offset for workers' compensation benefits.

3. The retirement board shall adopt such rules and regulations as may be necessary to effectuate the purposes of this section.

4. As used in this section, the term "member's percentage" shall be the fraction of which the numerator is the percentage of compensation contributed by a working member to the retirement pension system pursuant to section 86.760 during the pay period immediately preceding such member's death or disability which created entitlement to benefits and the denominator is the sum of percentages of a member's compensation contributed by a working member and the city pursuant to section 86.760 to the retirement pension system during such pay period. Such percentage shall identify the portion of any benefits due pursuant to the provisions of sections 86.600 to 86.790 which is deemed to have been provided by the member's own contributions.

**86.676. INCENTIVES FOR EARLY RETIREMENT, BOARD TO ADMINISTER AND PAY.** — **If a city and the police department of such city adopt any program of incentives to authorize or encourage early retirements, whether for employees not yet eligible for regular retirement or for employees who are eligible but have not yet chosen to retire or for both, the retirement board shall be authorized to administer and pay such incentives for retirees who accept such incentives and are members of this retirement system under sections 86.600 to 86.790, in addition to such other benefits as such members or their beneficiaries are entitled to receive under sections 86.600 to 86.790, provided such city shall so request and shall agree to increase said city's contribution under section 86.760 sufficiently to provide the full actuarial cost of any such incentives in addition to the contribution required of such city necessary, in conjunction with members' contribution under section 86.760, to provide all other benefits provided under sections 86.600 to 86.790.**

**86.690. DEATH OF MEMBER PRIOR TO OR FOLLOWING RETIREMENT, PAYMENTS MADE, HOW — ADDITIONAL ONE THOUSAND DOLLAR FUNERAL BENEFIT PAID, WHEN.** — 1. Upon death after August 28, 2001, of a member for any cause prior to retirement, the following amounts shall be payable subject to subsection 5 of this section, as full and final settlement of any and all claims for benefits under this retirement system:

(1) If the member has less than five years of creditable service, the member's surviving spouse shall be paid, in a lump sum, the amount of accumulated contributions and interest. If there be no surviving spouse, payment shall be made to the member's designated beneficiary, or if none, to the executor or administrator of the member's estate.

(2) If the member has at least five, but less than twenty years of creditable service, the member's surviving spouse may elect, in lieu of the lump sum settlement in subdivision (1) of this subsection, an annuity. Such annuity shall be one-half of the member's accrued annuity at date of death as computed in section 86.650. The effective date of the election shall be the latter of the first day of the month after the member's death or attainment of what would have been the member's early retirement date as provided in section 86.660.

(3) If the member has at least twenty years of creditable service, the member's surviving spouse may elect, in lieu of the lump sum settlement in subdivision (1) of this subsection, the larger of the annuity as computed in subdivision (2) of this subsection or an annuity determined on a joint and survivor's basis from the actuarial value of the member's accrued annuity at date of death.

(4) Any death of a retired member occurring before the date of first payment of the retirement annuity shall be deemed to be a death before retirement.

(5) Benefits payable pursuant to this section shall continue for the lifetime of such surviving spouse without regard to remarriage.

(6) No surviving spouse of a member who dies in service after August 28, 2001, shall be entitled to receive any benefits pursuant to sections 86.600 to 86.790 unless such spouse was married to the member at the time of the member's death in service.

2. Upon death following retirement for any cause after August 28, 2001, of a member who has not elected the optional annuity pursuant to section 86.650, the member's surviving spouse shall receive a pension payable for life, equaling one-half of the member's normal retirement allowance, computed under section 86.650, as of the member's actual retirement date, subject to adjustments provided in subsection 5 of section 86.675, if any; provided, no surviving spouse of a member who retires after August 28, 2001, shall be entitled to receive any benefits pursuant to sections 86.600 to 86.790 unless such spouse was married to the member at the time of the member's retirement. Any surviving spouse who was married to such a member at the time of the member's retirement shall be entitled to all benefits for surviving spouses pursuant to sections 86.600 to 86.790 for the life of such surviving spouse without regard to remarriage. If there be no surviving spouse, payment of the member's accumulated contributions less the amount of any prior payments from the retirement system to the member or to any beneficiary of the member shall be made to the member's designated beneficiary or, if none, to the personal representative of the member's estate.

3. Any surviving spouse of a member who dies in service or retired prior to August 28, 2001, who otherwise qualifies for benefits pursuant to subsection 1 or 2 of this section and who has not remarried prior to August 28, 2001, but remarries thereafter, shall upon application to the retirement board be appointed by the retirement board as a special consultant on the problems of retirement, aging and other matters, and upon request of the retirement board shall give opinions in writing or orally in response to such requests, as may be required. For such services, such surviving spouse shall be compensated in an amount equal to the benefits such spouse would have received pursuant to sections 86.600 to 86.790 in the absence of such remarriage.

4. Should the total amount paid from the retirement system to a member, the member's surviving spouse [and], any other beneficiary of the member, **and the funeral benefit under subsection 6 of this section** be less than the member's accumulated contributions, an amount

equal to such difference shall be paid to the member's designated beneficiary or, if none, to the personal representative of the member's estate, and such payment shall constitute full and final payment of any and all claims for benefits under the retirement system.

5. Any beneficiary of benefits pursuant to sections 86.600 to 86.790 who becomes the surviving spouse of more than one member shall be paid all benefits due a surviving spouse of that member whose entitlements produce the largest surviving spouse benefits for such beneficiary but shall not be paid surviving spouse benefits as the surviving spouse of more than one member, except that any surviving spouse for whom an election has been made for an optional annuity under subsection 2 of section 86.650 shall be entitled to every annuity for which such surviving spouse has so contracted.

**6. Upon receipt of the proper proof of death of a member in service after August 28, 2003, or the death of a member in service on or after August 28, 2003, who dies after having been retired and pensioned, there shall be paid in addition to all other benefits a funeral benefit of one thousand dollars.**

**86.720. BOARD TO MAKE RULES — OFFICERS — EMPLOYEES.** — The general administration and the responsibility for the proper operation of the retirement system and for making effective the provisions of sections 86.600 to 86.790 are hereby vested in the retirement board. The retirement board shall, from time to time, establish rules and regulations for the administration of its assets and for the transaction of its business. **The retirement board shall be deemed to be a state agency within the meaning of chapter 536, RSMo.** The retirement board shall elect from its membership a chairman, a vice chairman, and a treasurer, and shall, by majority vote of its members, appoint a secretary, who may be but need not be one of its members. The retirement board may employ any actuarial, legal and other services as may be necessary to transact the business of the retirement system. The compensation of all persons employed by the retirement board and all other expenses of the board necessary for the operation of the retirement system shall be paid in the manner as the retirement board shall determine; except that the compensation of the persons as may be employed by the retirement board shall not be greater than the compensation paid for comparable abilities by the government of the city in which the retirement board is located.

**86.745. BOARD MAY PURCHASE LIABILITY INSURANCE — INDEMNIFICATION IN CASE OF ACTION, SUIT, OR PROCEEDING — WHEN.** — 1. **The retirement board may purchase with retirement system assets from one or more insurers licensed to do business in this state one or more insurance policies that provide for reimbursement of the retirement system and any trustee, member of the retirement board, officer, or employee of the retirement system for liability imposed or damages because of an alleged act, error, or omission committed in the trustee's, board member's, officer's, or employee's capacity as a fiduciary, officer, or employee of the retirement system and for costs and expenses, including attorney fees, incurred as a trustee, board member, officer, or employee in defense of a claim for an alleged act, error, or omission, as long as the insurance policy does not provide for reimbursement of a trustee, board member, officer, or employee for liability imposed or expenses incurred because of the trustee's, board member's, officer's, or employee's personal dishonesty, fraud, lack of good faith, or intentional failure to act prudently.**

2. **If the insurance coverage described in subsection 1 of this section is insufficient or is not in effect,** the retirement board may indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that [he] **the person** is or was a member of the retirement board, or is or was serving at the request of the retirement board in the capacity which caused [his] **the person's** relationship to such action, suit or proceeding, against expenses, including attorneys' fees, judgments, fines and amounts paid in

settlement actually and reasonably incurred by [him] **the person** in connection with such action, suit or proceeding, if [he] **the person** acted in good faith and without willful malfeasance, and, with respect to any criminal action or proceeding, had reasonable cause to believe [his] **the relevant** conduct was lawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith, or, with respect to any criminal action or proceeding, that [he] **the person** did not have reasonable cause to believe that [his] **the relevant** conduct was lawful.

[2.] **3.** To the extent that a member of the retirement board has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in [subsection] **subsections 1 and 2** of this section, or in defense of any claim, issue or matter therein, [he] **the person** shall be indemnified against expenses, including attorneys' fees, actually and reasonably incurred [by him] in connection with the action, suit or proceeding **that are not covered by the insurance described in subsection 1 of this section.**

[3.] **4.** Any indemnification under [subsection 1 of] this section, unless ordered by a court, shall be made by the retirement board only as authorized in each specific case upon a determination that indemnification of [the member of the retirement board] **any person potentially entitled to indemnification hereunder** is proper in the circumstances because [he] **the person** has met the applicable standard of conduct set forth in this section. The determination shall be made by the retirement board by a majority vote of a quorum consisting of members of the retirement board who are not parties to the action, suit or proceeding, or if such a quorum is not obtainable, or even if obtainable a quorum of disinterested members of the retirement board so directs, by independent legal counsel (who may but need not be counsel to the retirement system) in a written opinion.

[4.] **5.** Expenses incurred in defending a civil or criminal action, suit or proceeding may be paid by the retirement board in advance of the final disposition of the action, suit or proceeding as authorized by the retirement board in the specific case upon receipt of an undertaking by or on behalf of the [member of the retirement board] **person potentially entitled to indemnification hereunder** to repay such amount unless it shall ultimately be determined that [he] **the person** is entitled to be indemnified by the retirement board as authorized in this section.

**168.303. JOB-SHARING RULES TO BE ADOPTED BY BOARD, JOB SHARING DEFINED.** — The state board of education shall adopt rules to facilitate job-sharing positions for classroom teachers, as the term "job-sharing" is defined in this section. These rules shall provide that a classroom teacher in a job-sharing position shall receive paid legal holidays, annual vacation leave, sick leave, and personal leave on a pro rata basis. "Job-sharing position" shall mean any position:

- (1) Shared with one other employee;
  - (2) Requiring employment of at least seventeen hours per week but not more than twenty hours per week on a regular basis; and
  - (3) Requiring at least seventy percent of all time spent in classroom instruction as determined by the employer;
- provided that, job sharing position shall not include instructional support or school services positions including, but not limited to, guidance counselor, media coordinator, psychologist, social worker, audiologist, speech and language pathologist, and nursing positions.

**169.712. TRANSFER TO PUBLIC SCHOOL RETIREMENT SYSTEM, CERTAIN NONTEACHER EMPLOYEES, PROCEDURE.** — **1.** Notwithstanding any provision of law to the contrary, any person duly certificated under the law governing the certification of teachers in Missouri who, after August 28, 1997, is first employed in a position which would otherwise qualify the person for membership in the nonteacher school employee retirement system pursuant to the provisions

of sections 169.600 to 169.710 shall be a member of the public school retirement system pursuant to the provisions of sections 169.010 to 169.141, and shall receive creditable service on a pro rata basis in that system for subsequent certificated services which would otherwise have been creditable in the nonteacher school employee retirement system. Any such person shall have the option of being a member of the nonteacher school employee retirement system. The option election must be filed with the board of trustees of the public school retirement system within ninety days of first such employment following August 28, 1997.

**2. Notwithstanding any provision of law to the contrary, any person duly certificated under the law governing the certification of teachers in Missouri who, on or after August 28, 2003, is employed by a public school, as defined in section 169.010, for at least seventeen but less than twenty hours per week on a regular basis shall be a member of the public school retirement system pursuant to the provisions of sections 169.010 to 169.141, and shall receive creditable service on a pro rata basis in that system. Any such person shall have the option of being a member of the nonteacher school employee retirement system. The option election must be filed with the board of trustees of the public school retirement system within ninety days of first such employment or within ninety days of August 28, 2003, whichever later occurs.**

**3. Any person who is a member of the public school retirement system or the nonteacher school employee retirement system pursuant to subsection 2 of this section may purchase credit in such system for service after August 28, 1991, that would have qualified such person for membership in either retirement system pursuant to subsection 2 of this section had such subsection been in effect prior to August 28, 2003; provided that such purchase of credit in the public school retirement system shall be subject to the provisions of section 169.056 and such purchase of credit in the nonteacher school employee retirement system shall be subject to the provisions of section 169.655.**

**SECTION 1. RATE OF CONTRIBUTION TO RETIREMENT SYSTEMS, BOARD TO FIX AND CERTIFY.** — Notwithstanding the provisions of section 169.030 and 169.620 to the contrary, the board of trustees shall have the authority to fix and certify to employers the level rate of contribution for a fiscal year no later than six months prior to the date such rate is to be effective, subject to the following:

(1) The level rate of contribution for the system created by sections 169.010 to 169.141 shall not exceed the level rate of contribution for the prior fiscal year by more than one-half percent;

(2) The level rate of contribution for the system created by sections 169.600 to 169.715 shall not exceed the level rate of contribution for the prior fiscal year by more than one-quarter percent;

(3) The contribution rate shall be based on an actuarial valuation as of a date not earlier than the last day of the second prior fiscal year. Such actuarial valuation shall be performed using processes and actuarial assumptions that are in accordance with the actuarial standards of practice in effect at the time the valuation is performed, as promulgated by the actuarial standards board or its successor; provided that such actuarial valuation shall be based on the entry age normal actuarial cost method and an asset valuation method based on the market value of system assets that may provide for smoothing of investment gains and losses, and further, that the level rate of contribution shall be the total of the normal cost and a rate which shall amortize the unfunded actuarial accrued liability over a period that shall not exceed thirty years from the date of the valuation, subject to the limitations of this subsection;

(4) Not less than once every ten years the board shall have an actuary, other than the actuary performing the actuarial valuation pursuant to this section, review such actuarial valuation and perform an additional actuarial valuation of the system;

(5) Notwithstanding the provisions of subdivision (3) to (8) of subsection 1 of section 169.070 and subdivision (4) of subsection 1 of section 169.670 to the contrary, no legislation shall be enacted after July 1, 2003, that increases benefits provided to members or retirees of the systems created by sections 169.010 to 169.141 or 169.600 contribution rate in effect on July 1, 2003.

Approved July 11, 2003

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## HB 162 [HB 162]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### **Designates Pearl Harbor Memorial Highway.**

AN ACT to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway.

#### SECTION

- A. Enacting clause.  
227.330. "Pearl Harbor Memorial Highway", portion of U.S. Highway 63 designated as.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 227, RSMo, is amended by adding thereto one new section, to be known as section 227.330, to read as follows:

**227.330. "PEARL HARBOR MEMORIAL HIGHWAY", PORTION OF U.S. HIGHWAY 63 DESIGNATED AS.** — The portion of U.S. highway 63 located within a county of the third classification without a township form of government and with more than fifteen thousand seven hundred but less than fifteen thousand eight hundred inhabitants shall be designated the "Pearl Harbor Memorial Highway". The department of transportation shall erect and maintain appropriate signs commemorating said portion of U.S. highway 63 at its discretion.

Approved June 19, 2003

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## HB 166 [HCS HB 166]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### **Changes incorporation and annexation procedures for certain instances in Cass County.**

AN ACT to repeal sections 72.080 and 72.130, RSMo, and to enact in lieu thereof two new sections relating to incorporation of cities.

#### SECTION

- A. Enacting clause.
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- 72.080. Cities and towns may be incorporated in their respective classes — exception, certain cities must comply with boundary change law — exception, Cass County — owners of majority of certain class of property may object to incorporation, cause of action — definition — contents of petition.
- 72.130. No incorporation within two miles of existing city, where, exceptions.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 72.080 and 72.130, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 72.080 and 72.130, to read as follows:

**72.080. CITIES AND TOWNS MAY BE INCORPORATED IN THEIR RESPECTIVE CLASSES — EXCEPTION, CERTAIN CITIES MUST COMPLY WITH BOUNDARY CHANGE LAW — EXCEPTION, CASS COUNTY — OWNERS OF MAJORITY OF CERTAIN CLASS OF PROPERTY MAY OBJECT TO INCORPORATION, CAUSE OF ACTION — DEFINITION — CONTENTS OF PETITION.** — 1. Any unincorporated city, town or other area of the state may, except as otherwise provided in sections 72.400 to 72.420, become a city of the class to which its population would entitle it pursuant to this chapter, and be incorporated pursuant to the law for the government of cities of that class, in the following manner: whenever a number of voters equal to fifteen percent of the votes cast in the last gubernatorial election in the area proposed to be incorporated shall present a petition to the governing body of the county in which such city or town or area is situated, such petition shall describe, by metes and bounds, the area to be incorporated and be accompanied by a plat thereof, shall state the approximate population and the assessed valuation of all real and personal property in the area and shall state facts showing that the proposed city shall have the ability to furnish normal municipal services within a reasonable time after its incorporation is to become effective and praying that the question be submitted to determine if it may be incorporated. If the governing body shall be satisfied that a number of voters equal to fifteen percent of the votes cast in the last gubernatorial election in the area proposed to be incorporated have signed such petition, the governing body shall submit the question to the voters.

2. The county may make changes in the petition to correct technical errors or to redefine the metes and bounds of the area to be incorporated to reflect other boundary changes occurring within six months prior to the time of filing the petition. Petitions submitted by proposing agents may be submitted with exclusions for the signatures collected in areas originally included in the proposal but subsequently annexed or incorporated separately as a city, town or village, although the governing body shall be satisfied as to the sufficiency of the signatures for the final proposed area. If a majority of the voters voting on the question vote for incorporation, the governing body shall declare such city, town or other area incorporated, designating in such order the metes and bounds thereof, and thenceforth the inhabitants within such bounds shall be a body politic and incorporate, by the name and style of "the city of .....", or "the town of .....", and the first officers of such city or town shall be designated by the order of the governing body, who shall hold their offices until the next municipal election and until their successors shall be duly elected and qualified. The county shall pay the costs of the election.

3. In any county with a charter form of government where fifty or more cities, towns and villages have been incorporated, an unincorporated city, town or other area of the state shall not be incorporated except as provided in sections 72.400 to 72.420.

4. **Any unincorporated area with a private eighteen-hole golf community with at least a one hundred acre lake located within any county of the first classification with more than eighty-two thousand but less than eighty-two thousand one hundred inhabitants may incorporate as a city of the class to which its population would entitle it pursuant to this chapter notwithstanding any proposed annexation of the unincorporated area by any city of the third or fourth classification or any home rule city with more than four hundred thousand inhabitants and located in more than one county. If any city of the third or fourth classification or any home rule city with more than four hundred thousand**

**inhabitants and located in more than one county proposes annexation by ordinance or resolution of any unincorporated area as defined in this subsection, the annexation shall become effective only after a majority of the qualified voters in the unincorporated area proposed to be incorporated oppose the proposed incorporation in the election described in subsection 2 of this section.**

5. Prior to the election described in subsection 2 of this section, if the owner or owners of either the majority of the commercial or the majority of the agricultural classification of real property in the proposed area to be incorporated object to such incorporation, such owner or owners may file an action in the circuit court of the county in which such unincorporated area is situated, pursuant to [the provisions of] chapter 527, RSMo, praying for a declaratory judgment requesting that such incorporation be declared unreasonable by the court. As used in this subsection, a "majority of the commercial or agricultural classification" means a majority as determined by the assessed valuation of the tracts of real property in either classification to be determined by the assessments made according to chapter 137, RSMo. The petition in such action shall state facts showing that such incorporation including the real property owned by the petitioners is not reasonable based on the same criteria as specified in subsection 3 of section 72.403 and is not necessary to the proper development of the city or town. If the circuit court finds that such inclusion is not reasonable and necessary, it may enjoin the incorporation or require the petition requesting the incorporation to be resubmitted excluding all or part of the property of the petitioners from the proposed incorporation.

**72.130. NO INCORPORATION WITHIN TWO MILES OF EXISTING CITY, WHERE, EXCEPTIONS.** — Except as provided in sections 72.400 to 72.420, no city, town, village or other area shall be organized within this state under and by virtue of any law thereof, adjacent to or within two miles of the limits of any city of the first, second, third or fourth classification or any constitutional charter city, unless the city, town, village or other area be in a different county from the city **or unless the city or village is located within any county of the first classification with more than eighty-two thousand but less than eighty-two thousand one hundred inhabitants**, except that a city, town, village or other area may be incorporated within the two-mile area if a petition signed by a number of voters equal to fifteen percent of the votes cast in the last gubernatorial election in the area proposed to be incorporated is presented to the existing city requesting that the boundaries of the existing city be extended to include the area proposed to be incorporated and if action taken thereon by the existing city is unfavorable to the petition, or if no action is taken by the existing city on the petition, then the city, town, village or other area may be incorporated after the expiration of one year from the date of the petition and upon a favorable majority vote on the question.

Approved June 9, 2003

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## HB 181 [HCS HB 181]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Authorizes a transient guest tax in the city of Sweet Springs.**

AN ACT to amend chapter 94, RSMo, by adding thereto one new section relating to a municipal transient guest tax.

SECTION

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- A. Enacting clause.  
94.834. Tourism tax on transient guests in hotels and motels (Marshall and Sweet Springs).

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 94, RSMo, is amended by adding thereto one new section, to be known as section 94.834, to read as follows:

**94.834. TOURISM TAX ON TRANSIENT GUESTS IN HOTELS AND MOTELS (MARSHALL AND SWEET SPRINGS).** — **1.** The governing body of any city of the third classification with more than twelve thousand four hundred but less than twelve thousand five hundred inhabitants, and the governing body of any city of the fourth classification with more than one thousand six hundred but less than one thousand seven hundred inhabitants and located in any county of the fourth classification with more than twenty-three thousand seven hundred but less than twenty-three thousand eight hundred inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof, which shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city submits to the voters of the city at a state general or primary election, a proposal to authorize the governing body of the city to impose a tax pursuant to this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and the proceeds of such tax shall be used by the city solely for the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

**2.** The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall ..... (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in ..... (name of city) at a rate of ..... (insert rate of percent) percent for the sole purpose of promoting tourism?

[ ] YES [ ] NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted pursuant to this section to the qualified voters of the city and such question is approved by a majority of the qualified voters of the city voting on the question.

**3.** As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.

Approved July 3, 2003

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HB 185 [SCS HCS HB 185]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Creates a statutory Amber Alert program.**

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AN ACT to amend chapter 210, RSMo, by adding thereto two new sections relating to missing persons.

SECTION

A. Enacting clause.

210.1012. Amber alert system created — department to develop system regions — false report, penalty.

210.1014. Amber alert system oversight committee created, duties, members, compensation — rulemaking authority.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 210, RSMo, is amended by adding thereto two new sections, to be known as sections 210.1012 and 210.1014, to read as follows:

**210.1012. AMBER ALERT SYSTEM CREATED — DEPARTMENT TO DEVELOP SYSTEM REGIONS — FALSE REPORT, PENALTY.** — 1. There is hereby created a statewide program called the "Amber Alert System" referred to in this section as the "system", to aid in the identification and location of abducted persons.

2. For the purposes of this section, "abducted person" means a person whose whereabouts are unknown and who is reasonably believed to be the victim of the crime of kidnapping as defined by section 565.110, RSMo, as determined by local law enforcement.

3. The department of public safety shall develop regions to provide the system. The department of public safety shall coordinate local law enforcement agencies and public commercial television and radio broadcasters to provide an effective system. In the event that a local law enforcement agency opts not to set up a system and an abduction occurs within the jurisdiction, it shall notify the department of public safety who will notify local media in the region.

4. The amber alert system shall include all state agencies capable of providing urgent and timely information to the public together with broadcasters and other private entities that volunteer to participate in the dissemination of urgent public information. At a minimum, the amber alert system shall include the department of public safety, highway patrol, department of transportation, department of health and senior services, and Missouri lottery.

5. The department of public safety shall have the authority to notify other regions upon verification that the criteria established by the oversight committee has been met.

6. Participation in an amber alert system is entirely at the option of local law enforcement agencies and federally-licensed radio and television broadcasters.

**210.1014. AMBER ALERT SYSTEM OVERSIGHT COMMITTEE CREATED, DUTIES, MEMBERS, COMPENSATION — RULEMAKING AUTHORITY.** — 1. There is hereby created the "Amber Alert System Oversight Committee", whose primary duty shall be to develop criteria and procedures for the amber alert system and shall be housed within the department of public safety. The committee shall regularly review the function of the amber alert system and revise its criteria and procedures in cooperation with the department of public safety to provide for efficient and effective public notification. As soon as practicable, the committee shall adopt criteria and procedures to expand the amber alert system to provide urgent public alerts related to homeland security, criminal acts, health emergencies, and other imminent dangers to the public health and welfare.

2. The amber alert system oversight committee shall consist of ten members of which seven members shall be appointed by the governor with the advice and consent of the senate. Such members shall represent the following entities: two representatives of the Missouri sheriff's association; two representatives of the Missouri police chief's association; one representative of small market radio broadcasters; one representative of large market

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radio broadcasters; one representative of television broadcasters. The director of the department of public safety shall also be a member of the committee and shall serve as chair of the committee. Additional members shall include one representative of the highway patrol and one representative of the department of health and senior services.

3. Members of the oversight committee shall serve a term of four years, except that members first appointed to the committee shall have staggered terms of two, three, and four years and shall serve until their successor is duly appointed and qualified.

4. Members of the oversight committee shall serve without compensation, except that members shall be reimbursed for their actual and necessary expenses required for the discharge of their duties.

5. The amber alert system oversight committee shall promulgate rules for the implementation of the amber alert system. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

Approved July 11, 2003

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## HB 187 [HB 187]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Removes requirement for veterans to have served during a period of war to obtain special motorcycle license plates.**

AN ACT to repeal section 301.4000, RSMo, and to enact in lieu thereof one new section relating to special license plates for motorcycles.

### SECTION

A. Enacting clause.

301.4000. Military service special license plates for motorcycles, application, fees.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 301.4000, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.4000, to read as follows:

**301.4000. MILITARY SERVICE SPECIAL LICENSE PLATES FOR MOTORCYCLES, APPLICATION, FEES.** — Any person who served in the active military service in a branch of the armed forces of the United States [during a period of war] and was honorably discharged from such service may apply for special motorcycle license plates, either solely or jointly, for issuance for any motorcycle subject to the registration fees provided in section 301.055. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof of service [in a foreign war] and status as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility and payment

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of a fifteen dollar fee in addition to the regulation registration fees, and presentation of other documents which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director, with the words "U.S. VET" in place of the words "SHOW-ME STATE". The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. No more than one set of special license plates shall be issued pursuant to this section to a qualified applicant. License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motorcycle may operate the motorcycle for the duration of the year licensed in the event of the death of the qualified person.

Approved June 24, 2003

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HB 199 [HB 199]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Revises maximum allowable salary for certain Kansas City police officers.**

AN ACT to repeal section 84.510, RSMo, and to enact in lieu thereof one new section relating to certain police officers.

SECTION

A. Enacting clause.

84.510. Police officers and officials — appointment — compensation (Kansas City).

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 84.510, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 84.510, to read as follows:

**84.510. POLICE OFFICERS AND OFFICIALS — APPOINTMENT — COMPENSATION (KANSAS CITY).** — 1. For the purpose of operation of the police department herein created, the chief of police, with the approval of the board, shall appoint such number of police department employees, including police officers and civilian employees as the chief of police from time to time deems necessary.

2. The base annual compensation of police officers shall be as follows for the several ranks:

(1) Lieutenant colonels, not to exceed five in number, at not less than seventy-one thousand nine hundred sixty-nine dollars, nor more than [ninety-nine thousand six hundred sixty] **one hundred six thousand seven hundred sixty-four** dollars per annum each;

(2) Majors at not less than sixty-four thousand six hundred seventy-one dollars, nor more than [eighty-five thousand eight hundred forty-eight] **ninety-seven thousand four hundred four** dollars per annum each;

(3) Captains at not less than fifty-nine thousand five hundred thirty-nine dollars, nor more than [eighty-one thousand seven hundred forty-four] **eighty-eight thousand eight hundred sixty** dollars per annum each;

(4) Sergeants at not less than forty-eight thousand six hundred fifty-nine dollars, nor more than [sixty-six thousand nine hundred seventy-two] **seventy-one thousand seven hundred forty-eight** dollars per annum each;

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(5) Detectives and police officers at not less than twenty-six thousand six hundred forty-three dollars, nor more than [fifty-nine thousand four hundred twelve] **sixty-three thousand six hundred forty-eight** dollars per annum each.

3. The board of police commissioners has the authority by resolution to effect a comprehensive pay schedule program to provide for step increases with separate pay rates within each rank, in the above-specified salary ranges from police officers through chief of police.

4. Officers assigned to wear civilian clothes in the performance of their regular duties may receive an additional seventy-five dollars per month clothing allowance. Uniformed officers may receive fifty dollars per month uniform maintenance allowance.

5. The chief of police, subject to the approval of the board, shall establish the total regular working hours for all police department employees, and the board has the power, upon recommendation of the chief, to pay additional compensation for all hours of service rendered in excess of the established regular working period, but the rate of overtime compensation shall not exceed one and one-half times the regular hourly rate of pay to which each member shall normally be entitled. No credit shall be given nor deductions made from payments for overtime for the purpose of retirement benefits.

6. The board of police commissioners, by majority affirmative vote, including the mayor, has the authority by resolution to authorize incentive pay in addition to the base compensation of police officers and detectives below the rank of sergeant as provided for in subsection 2 of this section, to be paid officers who they determine are assigned duties which require an extraordinary degree of skill, technical knowledge and ability, or which are highly demanding or unusual. No credit shall be given nor deductions made from these payments for the purpose of retirement benefits.

7. The board of police commissioners may effect programs to provide additional compensation for successful completion of academic work at an accredited college or university. No credit shall be given nor deductions made from these payments for the purpose of retirement benefits.

8. The additional pay increments provided in subsections 6 and 7 of this section shall not be considered a part of the base compensation of police officers and shall not exceed five percent of what the officer would otherwise be entitled to pursuant to subsections 2 and 3 of this section.

9. Not more than twenty-five percent of the officers in any rank below the rank of sergeant who are receiving the maximum rate of pay authorized by subsections 2 and 3 of this section may receive the additional pay increments authorized by subsections 6 and 7 of this section at any given time. However, any officer receiving a pay increment provided pursuant to the provisions of subsections 6 and 7 of this section shall not be deprived of such pay increment as a result of the limitations of this subsection.

Approved July 7, 2003

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## HB 202 [HCS HB 202]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Enacts the Missouri Calcium Initiative which gives purchasing preference to foods and beverages containing high levels of calcium.**

AN ACT to amend chapter 34, RSMo, by adding thereto one new section relating to the Missouri calcium initiative.

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## SECTION

- A. Enacting clause.  
34.375. Missouri calcium initiative, purchasing agents for governmental agencies to give preference to food and beverages containing higher levels of calcium, exceptions.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 34, RSMo, is amended by adding thereto one new section, to be known as section 34.375, to read as follows:

**34.375. MISSOURI CALCIUM INITIATIVE, PURCHASING AGENTS FOR GOVERNMENTAL AGENCIES TO GIVE PREFERENCE TO FOOD AND BEVERAGES CONTAINING HIGHER LEVELS OF CALCIUM, EXCEPTIONS.** — **1.** This section shall be known and may be cited as the "Missouri Calcium Initiative".

**2.** The purchasing agent for any governmental entity that purchases food or beverages to be processed or served in a building or room owned or operated by such governmental entity shall give preference to foods and beverages that:

- (1) Contain a higher level of calcium than products of the same type and nutritional quality; and
- (2) Are equal to or lower in price than products of the same type and nutritional quality.

**3.** Notwithstanding the provisions of subsection 2 of this section to the contrary, if a state institution determines that a high calcium food or beverage that is preferred pursuant to subsection 2 of this section will interfere with the proper treatment and care of a patient of such institution, the purchasing agent shall not be required to purchase the high calcium food or beverage for such patient.

**4.** The requirements of this section shall be in addition to any requirements placed upon a governmental entity by the United States Department of Agriculture under the National School Lunch Program or the School Breakfast Program.

**5.** For purposes of this section, "governmental entity" means the state of Missouri, its departments, agencies, boards, commissions and institutions, and all school districts of the state. Governmental entity does not include political subdivisions of the state.

**6.** Notwithstanding the provisions of this section to the contrary, a purchasing agent who has entered into a contract with a supplier before July 1, 2003, to purchase food and beverages shall not be required to purchase high calcium foods and beverages if purchasing such products would change the terms of the contract.

Approved May 29, 2003

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HB 208 [SS SCS HB 208]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Exempts certain consumer-owned electric corporations from regulation by the Public Service Commission.**

AN ACT to repeal sections 91.030, 386.050, 386.210, 386.756, 392.200, 393.110, and 393.310, RSMo, and to enact in lieu thereof sixteen new sections relating to the public service commission, with an emergency clause for certain sections.

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## SECTION

- A. Enacting clause.
- 91.026. Aluminum smelting facilities may contract to purchase electric power, no set rates or time periods — definitions — criteria.
- 91.030. Cities may purchase light and power, and ancillary services.
- 386.050. Appointment of commissioners — qualifications — tenure.
- 386.135. Independent technical staff for commission authorized, qualifications — personal advisors permitted — corresponding elimination of positions required — duties of technical staff.
- 386.210. Conferences, limitation on communications — cooperative agreements, investigations authorized — funds may be received and distributed, how.
- 386.756. Utilities prohibited from engaging in HVAC services, exceptions, penalty.
- 392.200. Adequate service — just and reasonable charges — unjust discrimination — unreasonable preference — reduced rates permitted for federal lifeline connection plan — delivery of telephone and telegraph messages — customer — specific pricing — term agreements, discount rates.
- 393.110. Application of sections 393.110 to 393.285 — public service commission not to have jurisdiction over certain electrical corporations.
- 393.310. Certain gas corporations to file set of experimental tariffs with PSC, minimum requirements — expiration date.
- 393.1000. Definitions.
- 393.1003. Rate schedules, procedures to establish or change (St. Louis County).
- 393.1006. Documentation to be submitted — notice to be published — examination of proposal — authorization of commission, when — pretax revenues, factors to be considered — revised rate schedule, filed when — rulemaking authority.
- 393.1009. Definitions.
- 393.1012. Rate schedules, procedures to establish or change.
- 393.1015. Documentation to be submitted — notice to be published — examination of proposal — authorization by commission, when — pretax revenues, factors to be considered — revised rate schedule, filed when — rulemaking authority.
- 1. Steam heating companies, may file under small company rate procedures, when.
- B. Emergency clause.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 91.030, 386.050, 386.210, 386.756, 392.200, 393.110, and 393.310, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 91.026, 91.030, 386.050, 386.135, 386.210, 386.756, 392.200, 393.110, 393.310, 393.1000, 393.1003, 393.1006, 393.1009, 393.1012, 393.1015, and 1, to read as follows:

**91.026. ALUMINUM SMELTING FACILITIES MAY CONTRACT TO PURCHASE ELECTRIC POWER, NO SET RATES OR TIME PERIODS — DEFINITIONS — CRITERIA. — 1.** As used in this section, the following terms mean:

- (1) "Commission", the Missouri public service commission;
- (2) "Aluminum smelting facility", a facility whose primary industry is the smelting of aluminum and primary metals, Standard Industrial Classification Code 3334, is located in a county of the second classification, which has used over three million megawatt hours of electricity during a calendar year, and has had electrical service provided to said facility in the past, in part or whole, by a municipally owned utility and, in part or whole, by an electric generating cooperative owned by rural electric cooperatives;
- (3) "Delivery services", transmission, distribution, or metering of electric power and energy or services ancillary thereto or related services;
- (4) "Municipally owned utility", a utility as defined in subdivision (1) of subsection 1 of section 91.025;
- (5) "Local electric service utility", an electrical corporation engaged in the furnishing of local electric service to consumers under a certificate of convenience and necessity issued by the commission, any municipal electric distribution system or electric cooperative.

**2.** Notwithstanding any provisions of law to the contrary, any aluminum smelting facility shall have the right to purchase and contract to purchase electric power and

energy and delivery services from any provider, wherever found or located, at whatever rates or charges as contracted for, and such periods or times as is needed or necessary or convenient for the operation of such aluminum smelting facility and for no other purpose, notwithstanding any past circumstances of supply. Any aluminum smelting facility purchasing or contracting to purchase electric power and energy pursuant to this section shall not resell such electric power and energy to any party except the original providers of such electric power and energy.

3. Notwithstanding the provisions of section 91.025, section 393.106, RSMo, and section 394.315, RSMo, to the contrary, any provider of such electric power and energy and delivery services, whether or not otherwise under Missouri regulatory jurisdiction, shall have the right to transact for and sell electric power and energy and delivery services to an aluminum smelting facility. Any transactions or contracts pursuant to this section for electric power and energy and delivery services shall not be subject to the jurisdiction of the commission with regard to the determination of rates.

4. When current electric power and energy is being supplied in part or in whole by a municipally owned utility and in part or whole by an electric generating cooperative owned by rural electric cooperatives and not under any contract authorized pursuant to this section, a replacement contract pursuant to the provisions of subsections 2 and 3 of this section shall provide for all of the electric power and energy and delivery services requirements of the aluminum smelter and shall meet the following criteria:

(1) The aluminum smelting facility's change of supplier shall have no negative financial impact on any past supplier or suppliers or to other electricity customers of such supplier or suppliers;

(2) The supply arrangements made by the aluminum smelting facility when operated in coordination with the local electric infrastructure shall not reduce the reliability of service to other customers or the safety of any person;

(3) The aluminum smelting facility's change of electric supplier shall not cause a reduction in tax revenue to the state of Missouri or any political subdivision;

(4) No billing or metering functions of any municipally owned utility will be changed or affected as a result of a change of electric supplier by such aluminum smelting facility.

5. No local electric service utility provider of electric power and energy or delivery services shall have any obligation to supply or deliver backup, peaking or emergency power to a aluminum smelting facility exercising its rights under this section, nor liability for inability or failure to provide such power, except as may be established by written contract.

6. Once an aluminum smelting facility has purchased electric power pursuant to its rights pursuant to this section, no past supplier of energy and related services shall have any obligation to provide electric power and energy and delivery services to such aluminum smelting facility except as may be established by written contract.

7. The provisions of this section recognize highly unique circumstances of aluminum smelting facilities and are not to be interpreted as condoning or conceding the suitability of retail electric restructuring for any customer or class of customers in the state of Missouri.

**91.030. CITIES MAY PURCHASE LIGHT AND POWER, AND ANCILLARY SERVICES.** — Any city, town or village in this state, having authority to maintain and operate an electric light and power plant, may procure electric current **and ancillary services** for that purpose from any other city, owning and operating such plant, **or other lawful supplier** and to that end may enter into a contract therefor with such city **or other supplier** having such plant **for such period and upon such terms as may be agreed by the contracting parties solely on the approval by the governing board or council of such municipality owned or operated electric power system**

or by its duly authorized representative without further regulatory or public approval, notwithstanding any provisions of law to the contrary.

**386.050. APPOINTMENT OF COMMISSIONERS — QUALIFICATIONS — TENURE. — 1.** The commission shall consist of five members who shall be appointed by the governor, with the advice and consent of the senate, and one of whom shall be designated by the governor to be [chairman] **chair** of [said] **the** commission. Each commissioner, at the time of [his] **the commissioner's** appointment and qualification, shall be a resident of the state of Missouri, and shall have resided in [said] **the** state for a period of at least five years next preceding [his] **the** appointment and qualification, and [he] shall also be a qualified voter therein and not less than twenty-five years of age. Upon the expiration of each of the terms of office of the first commissioners, the term of office of each commissioner thereafter appointed shall be six years from the time of [his] **the commissioner's** appointment and qualification and until his successor shall qualify. Vacancies in [said] **the** commission shall be filled by the governor for the unexpired term.

**386.135. INDEPENDENT TECHNICAL STAFF FOR COMMISSION AUTHORIZED, QUALIFICATIONS — PERSONAL ADVISORS PERMITTED — CORRESPONDING ELIMINATION OF POSITIONS REQUIRED — DUTIES OF TECHNICAL STAFF. — 1.** The commission shall have an independent technical advisory staff of up to six full time employees. The advisory staff shall have expertise in accounting, economics, finance, engineering/utility operations, law, or public policy.

2. In addition, each commissioner shall also have the authority to retain one personal advisor, who shall be deemed a member of the technical advisory staff. The personal advisors will serve at the pleasure of the individual commissioner whom they serve and shall possess expertise in one or more of the following fields: accounting, economics, finance, engineering/utility operations, law, or public policy.

3. The commission shall only hire technical advisory staff pursuant to subsections 1 and 2 of this section if there is a corresponding elimination in comparable staff positions for commission staff to offset the hiring of such technical advisory staff on a cost neutral basis. Such technical advisory staff shall be hired on or before July 1, 2005.

4. It shall be the duty of the technical advisory staff to render advice and assistance to the commissioners and the commission's hearing officers on technical matters within their respective areas of expertise that may arise during the course of proceedings before the commission.

5. The technical advisory staff shall also update the commission and the commission's hearing officers periodically on developments and trends in public utility regulation, including updates comparing the use, nature, and effect of various regulatory practices and procedures as employed by the commission and public utility commissions in other jurisdictions.

6. Each member of the technical advisory staff shall be subject to any applicable ex parte or conflict of interest requirements in the same manner and to the same degree as any commissioner, provided that neither any person regulated by, appearing before, or employed by the commission shall be permitted to offer such member a different appointment or position during that member's tenure on the technical advisory staff.

7. No employee of a company or corporation regulated by the public service commission, no employee of the office of public counsel or the public counsel, and no staff members of either the utility operations division or utility services division, who, were an employee or staff member on, during the two years immediately preceding, or anytime after August 28, 2003, may be a member of the commission's technical advisory staff for two years following the termination of their employment with the corporation, office of public counsel or commission staff member.

8. The technical advisory staff shall never be a party to any case before the commission.

**386.210. CONFERENCES, LIMITATION ON COMMUNICATIONS — COOPERATIVE AGREEMENTS, INVESTIGATIONS AUTHORIZED — FUNDS MAY BE RECEIVED AND DISTRIBUTED, HOW.** — 1. The commission may confer in person, or by correspondence, by attending conventions, or in any other way, with the members of **the public**, any public utility or similar commission of **this and** other states and the United States of America, or any official, agency or instrumentality thereof, on any matter relating to the performance of its duties.

2. Such communications may address any issue that at the time of such communication is not the subject of a case that has been filed with the commission.

3. Such communications may also address substantive or procedural matters that are the subject of a pending filing or case in which no evidentiary hearing has been scheduled, provided that the communication:

(1) Is made at a public agenda meeting of the commission where such matter has been posted in advance as an item for discussion or decision;

(2) Is made at a forum where representatives of the public utility affected thereby, the office of public counsel, and any other party to the case are present; or

(3) If made outside such agenda meeting or forum, is subsequently disclosed to the public utility, the office of the public counsel, and any other party to the case in accordance with the following procedure:

(a) If the communication is written, the person or party making the communication shall no later than the next business day following the communication, file a copy of the written communication in the official case file of the pending filing or case and serve it upon all parties of record;

(b) If the communication is oral, the party making the oral communication shall no later than the next business day following the communication file a memorandum in the official case file of the pending case disclosing the communication and serve such memorandum on all parties of record. The memorandum must contain a summary of the substance of the communication and not merely a listing of the subjects covered.

4. Nothing in this section or any other provision of law shall be construed as imposing any limitation on the free exchange of ideas, views, and information between any person and the commission or any commissioner, provided that such communications relate to matters of general regulatory policy and do not address the merits of the specific facts, evidence, claims, or positions presented or taken in a pending case unless such communications comply with the provisions of subsection 3 of this section.

5. The commission and any commissioner may also advise any member of the general assembly or other governmental official of the issues or factual allegations that are the subject of a pending case, provided that the commission or commissioner does not express an opinion as to the merits of such issues or allegations, and may discuss in a public agenda meeting with parties to a case in which an evidentiary hearing has been scheduled, any procedural matter in such case or any matter relating to a unanimous stipulation or agreement resolving all of the issues in such case.

[2.] 6. The commission may enter into and establish fair and equitable cooperative agreements or contracts with or act as an agent or licensee for the United States of America, or any official, agency or instrumentality thereof, or any public utility or similar commission of other states, that are proper, expedient, fair and equitable and in the interest of the state of Missouri and the citizens thereof, for the purpose of carrying out its duties [under] **pursuant to** section 386.250 as limited and supplemented by section 386.030 and to that end the commission may receive and disburse any contributions, grants or other financial assistance as a result of or pursuant to such agreements or contracts. Any contributions, grants or other financial assistance

so received shall be deposited in the public service commission utility fund or the state highway commission fund depending upon the purposes for which they are received.

[3.] 7. The commission may make joint investigations, hold joint hearings within or without the state, and issue joint or concurrent orders in conjunction or concurrence with any railroad, public utility or similar commission, of other states or the United States of America, or any official, agency or any instrumentality thereof, except that in the holding of such investigations or hearings, or in the making of such orders, the commission shall function under agreements or contracts between states or under the concurrent power of states to regulate interstate commerce, or as an agent of the United States of America, or any official, agency or instrumentality thereof, or otherwise.

**386.756. UTILITIES PROHIBITED FROM ENGAGING IN HVAC SERVICES, EXCEPTIONS, PENALTY.** — 1. Except by an affiliate, a utility may not engage in HVAC services, unless otherwise provided in subsection 7 or subsection 8 of this section.

2. No affiliate or utility contractor may use any vehicles, service tools, instruments, employees, or any other utility assets, the cost of which are recoverable in the regulated rates for utility service, to engage in HVAC services unless the utility is compensated for the use of such assets at cost to the utility.

3. A utility may not use or allow any affiliate or utility contractor to use the name of such utility to engage in HVAC services unless the utility, affiliate or utility contractor discloses, in plain view and in bold type on the same page as the name is used on all advertisements or in plain audible language during all solicitations of such services, a disclaimer that states the services provided are not regulated by the public service commission.

4. A utility may not engage in or assist any affiliate or utility contractor in engaging in HVAC services in a manner which subsidizes the activities of such utility, affiliate or utility contractor to the extent of changing the rates or charges for the utility's regulated services above or below the rates or charges that would be in effect if the utility were not engaged in or assisting any affiliate or utility contractor in engaging in such activities.

5. Any affiliates or utility contractors engaged in HVAC services shall maintain accounts, books and records separate and distinct from the utility.

6. The provisions of this section shall apply to any affiliate or utility contractor engaged in HVAC services that is owned, controlled or under common control with a utility providing regulated utility service in this state or any other state.

7. A utility engaging in HVAC services in this state five years prior to August 28, 1998, may continue providing, to existing as well as new customers, the same type of services as those provided by the utility five years prior to August 28, 1998. **The provisions of this section only apply to the area of service which the utility was actually supplying service to on a regular basis prior to August 28, 1993. The provisions of this section shall not apply to any subsequently expanded areas of service made by a utility through either existing affiliates or subsidiaries or through affiliates or subsidiaries purchased after August 28, 1993, unless such services were being provided in the expanded area prior to August 28, 1993.**

8. The provisions of this section shall not be construed to prohibit a utility from providing emergency service, providing any service required by law or providing a program pursuant to an existing tariff, rule or order of the public service commission.

9. A utility that violates any provision of this section is guilty of a civil offense and may be subject to a civil penalty of up to twelve thousand five hundred dollars for each violation. **The attorney general may enforce the provisions of this section pursuant to any powers granted to him or her pursuant to any relevant provisions provided by Missouri statutes or the Missouri Constitution.**

10. **Any utility claiming an exemption as provided in subsection 7 of this section shall comply with all applicable state and local laws, ordinances or regulations relating to the installation or maintenance of HVAC systems including all permit requirements. A**

continuing pattern of failure to comply with said requirements shall provide the basis for a finding by any court of competent jurisdiction or the public service commission that the utility has waived its claim of exemption pursuant to subsection 7 of this section.

**392.200. ADEQUATE SERVICE — JUST AND REASONABLE CHARGES — UNJUST DISCRIMINATION — UNREASONABLE PREFERENCE — REDUCED RATES PERMITTED FOR FEDERAL LIFELINE CONNECTION PLAN — DELIVERY OF TELEPHONE AND TELEGRAPH MESSAGES — CUSTOMER — SPECIFIC PRICING — TERM AGREEMENTS, DISCOUNT RATES.**

— 1. Every telecommunications company shall furnish and provide with respect to its business such instrumentalities and facilities as shall be adequate and in all respects just and reasonable. All charges made and demanded by any telecommunications company for any service rendered or to be rendered in connection therewith shall be just and reasonable and not more than allowed by law or by order or decision of the commission. Every unjust or unreasonable charge made or demanded for any such service or in connection therewith or in excess of that allowed by law or by order or decision of the commission is prohibited and declared to be unlawful.

2. No telecommunications company shall directly or indirectly or by any special rate, rebate, drawback or other device or method charge, demand, collect or receive from any person or corporation a greater or less compensation for any service rendered or to be rendered with respect to telecommunications or in connection therewith, except as authorized in this chapter, than it charges, demands, collects or receives from any other person or corporation for doing a like and contemporaneous service with respect to telecommunications under the same or substantially the same circumstances and conditions. Promotional programs for telecommunications services may be offered by telecommunications companies for periods of time so long as the offer is otherwise consistent with the provisions of this chapter and approved by the commission. Neither this subsection nor subsection 3 of this section shall be construed to prohibit an economy rate telephone service offering. This section and section 392.220 to the contrary notwithstanding, the commission is authorized to approve tariffs filed by local exchange telecommunications companies which elect to provide reduced charges for residential telecommunications connection services pursuant to the lifeline connection assistance plan as promulgated by the federal communications commission. Eligible subscribers for such connection services shall be those as defined by participating local exchange telecommunications company tariffs.

3. No telecommunications company shall make or give any undue or unreasonable preference or advantage to any person, corporation or locality, or subject any particular person, corporation or locality to any undue or unreasonable prejudice or disadvantage in any respect whatsoever except that telecommunications messages may be classified into such classes as are just and reasonable, and different rates may be charged for the different classes of messages.

4. (1) No telecommunications company may define a telecommunications service as a different telecommunications service based on the geographic area or other market segmentation within which such telecommunications service is offered or provided, unless the telecommunications company makes application and files a tariff or tariffs which propose relief from this subsection. Any such tariff shall be subject to the provisions of sections 392.220 and 392.230 and in any hearing thereon the burden shall be on the telecommunications company to show, by clear and convincing evidence, that the definition of such service based on the geographic area or other market within which such service is offered is reasonably necessary to promote the public interest and the purposes and policies of this chapter.

(2) It is the intent of this act to bring the benefits of competition to all customers and to ensure that incumbent and alternative local exchange telecommunications companies have the opportunity to price and market telecommunications services to all prospective customers in any geographic area in which they compete. To promote the goals of the federal Telecommunications Act of 1996, for an incumbent local exchange telecommunications company in any exchange where an alternative local exchange telecommunications company has been certified

and is providing basic local telecommunications services or switched exchange access services, or for an alternative local exchange telecommunications company, the commission shall review and approve or reject, within forty-five days of filing, tariffs for proposed different services as follows:

(a) For services proposed on an exchange-wide basis, it shall be presumed that a tariff which defines and establishes prices for a local exchange telecommunications service or exchange access service as a different telecommunications service in the geographic area, no smaller than an exchange, within which such local exchange telecommunications service or exchange access service is offered is reasonably necessary to promote the public interest and the purposes and policies of this chapter;

(b) For services proposed in a geographic area smaller than an exchange or other market segmentation within which or to whom such telecommunications service is proposed to be offered, a local exchange telecommunications company may petition the commission to define and establish a local exchange telecommunications service or exchange access service as a different local exchange telecommunications service or exchange access service. The commission shall approve such a proposal if it finds, based upon clear and convincing evidence, that such service in a smaller geographic area or such other market segmentation is in the public interest and is reasonably necessary to promote competition and the purposes of this chapter. Upon approval of such a smaller geographic area or such other market segmentation for a different service for one local exchange telecommunications company, all other local exchange telecommunications companies certified to provide service in that exchange may file a tariff to use such smaller geographic area or such other market segmentation to provide that service;

(c) For proposed different services described in paragraphs (a) and (b) of this subdivision, the local exchange telecommunications company which files a tariff to provide such service shall provide the service to all similarly situated customers, upon request in accordance with that company's approved tariff, in the exchange or geographic area smaller than an exchange or such other market segmentation for which the tariff was filed, and no price proposed for such service by an incumbent local exchange telecommunications company, other than for a competitive service, shall be lower than its long run incremental cost, as defined in section 386.020, RSMo;

(3) The commission, on its own motion or upon motion of the public counsel, may by order, after notice and hearing, define a telecommunications service offered or provided by a telecommunications company as a different telecommunications service dependent upon the geographic area or other market within which such telecommunications service is offered or provided and apply different service classifications to such service only upon a finding, based on clear and convincing evidence, that such different treatment is reasonably necessary to promote the public interest and the purposes and policies of this chapter.

5. No telecommunications company may charge a different price per minute or other unit of measure for the same, substitutable, or equivalent interexchange telecommunications service provided over the same or equivalent distance between two points without filing a tariff for the offer or provision of such service pursuant to sections 392.220 and 392.230. In any proceeding under sections 392.220 and 392.230 wherein a telecommunications company seeks to charge a different price per minute or other unit of measure for the same, substitutable, or equivalent interexchange service, the burden shall be on the subject telecommunications company to show that such charges are in the public interest and consistent with the provisions and purposes of this chapter. The commission may modify or prohibit such charges if the subject telecommunications company fails to show that such charges are in the public interest and consistent with the provisions and purposes of this chapter. This subsection shall not apply to reasonable price discounts based on the volume of service provided, so long as such discounts are nondiscriminatory and offered under the same rates, terms, and conditions throughout a telecommunications company's certificated or service area.

6. Every telecommunications company operating in this state shall receive, transmit and deliver, without discrimination or delay, the conversations and messages of every other telecommunications company with whose facilities a connection may have been made.

7. The commission shall have power to provide the limits within which telecommunications messages shall be delivered without extra charge.

8. Customer specific pricing is authorized for dedicated, nonswitched, private line and special access services and for central office-based switching systems which substitute for customer premise, private branch exchange (PBX) services, provided such customer specific pricing shall be equally available to incumbent and alternative local exchange telecommunications companies.

9. This act shall not be construed to prohibit the commission, upon determining that it is in the public interest, from altering local exchange boundaries, provided that the incumbent local exchange telecommunications company or companies serving each exchange for which the boundaries are altered provide notice to the commission that the companies approve the alteration of exchange boundaries.

**10. Notwithstanding any other provision of this section, every telecommunications company is authorized to offer term agreements of up to five years on any of its telecommunications services.**

**11. Notwithstanding any other provision of this section, every telecommunications company is authorized to offer discounted rates or other special promotions on any of its telecommunications services to any new and/or former customers.**

**393.110. APPLICATION OF SECTIONS 393.110 TO 393.285 — PUBLIC SERVICE COMMISSION NOT TO HAVE JURISDICTION OVER CERTAIN ELECTRICAL CORPORATIONS. —**

**1.** Sections 393.110 to 393.285 shall apply to the manufacture and furnishing of gas for light, heat or power and the furnishing of natural gas for light, heat or power, and the generation, furnishing and transmission of electricity for light, heat or power, the supplying and distributing of water for any purpose whatsoever, and the furnishing of a sewer system for the collection, carriage, treatment or disposal of sewage for municipal, domestic or other beneficial or necessary purpose.

**2. Notwithstanding any provision in chapter 386, RSMo, or this chapter to the contrary, the public service commission shall not have jurisdiction over the rates, financing, accounting, or management of any electrical corporation which is required by its bylaws to operate on the not-for-profit cooperative business plan, with its consumers who receive service as the stockholders of such corporation, and which holds a certificate of public convenience and necessity to serve a majority of its consumer-owners in counties of the third classification as of August 28, 2003. Nothing in this section shall be construed as amending or superseding the commission's authority granted in subsection 1 of section 386.310, RSMo, in section 393.106, and sections 386.800 and 394.312, RSMo.**

**393.310. CERTAIN GAS CORPORATIONS TO FILE SET OF EXPERIMENTAL TARIFFS WITH PSC, MINIMUM REQUIREMENTS — EXPIRATION DATE. —** 1. This section shall only apply to gas corporations as defined in section 386.020, RSMo. This section shall not affect any existing laws and shall only apply to the program established pursuant to this section.

2. As used in this section, the following terms mean:

(1) "Aggregate", the combination of natural gas supply and transportation services, including storage, requirements of eligible school entities served through a Missouri gas corporation's delivery system;

(2) "Commission", the Missouri public service commission; and

(3) "Eligible school entity" shall include any seven-director, urban or metropolitan school district as defined pursuant to section 160.011, RSMo, and shall also include, one year after July

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11, 2002, and thereafter, any school for elementary or secondary education situated in this state, whether a charter, private, or parochial school or school district.

3. Each Missouri gas corporation shall file with the commission, by August 1, 2002, a set of experimental tariffs applicable the first year to public school districts and applicable to all school districts, whether charter, private, public, or parochial, thereafter.

4. The tariffs required pursuant to subsection 3 of this section shall, at a minimum:

(1) Provide for the aggregate purchasing of natural gas supplies and pipeline transportation services on behalf of eligible school entities in accordance with aggregate purchasing contracts negotiated by and through a not-for-profit school association;

(2) Provide for the resale of such natural gas supplies, including related transportation service costs, to the eligible school entities at the gas corporation's cost of purchasing of such gas supplies and transportation, plus all applicable distribution costs, plus an aggregation and balancing fee to be determined by the commission, not to exceed four-tenths of one cent per therm delivered during the first year; and

(3) Not require telemetry or special metering, except for individual school meters over one hundred thousand therms annually.

5. The commission may suspend the tariff as required pursuant to subsection 3 of this section for a period ending no later than November 1, 2002, and shall approve such tariffs upon finding that implementation of the aggregation program set forth in such tariffs will not have any negative financial impact on the gas corporation, its other customers or local taxing authorities, and that the aggregation charge is sufficient to generate revenue at least equal to all incremental costs caused by the experimental aggregation program. **Except as may be mutually agreed by the gas corporation and eligible school entities and approved by the commission, such tariffs shall not require eligible school entities to be responsible for pipeline capacity charges for longer than is required by the gas corporation's tariff for large industrial or commercial basic transportation customers.**

6. The commission **shall treat the gas corporation's pipeline capacity costs for associated eligible school entities in the same manner as for large industrial or commercial basic transportation customers, which shall not be considered a negative financial impact on the gas corporation, its other customers, or local taxing authorities, and the commission may adopt by order such other procedures not inconsistent with this section which the commission determines are reasonable or necessary to administer the experimental program.**

7. This section shall terminate June 30, 2005.

**393.1000. DEFINITIONS. — As used in sections 393.1000 to 393.1006, the following terms mean:**

(1) "Appropriate pretax revenues", the revenues necessary to produce net operating income equal to:

(a) The water corporation's weighted cost of capital multiplied by the net original cost of eligible infrastructure system replacements, including recognition of accumulated deferred income taxes and accumulated depreciation associated with eligible infrastructure system replacements which are included in a currently effective ISRS; and

(b) Recover state, federal, and local income or excise taxes applicable to such income; and

(c) Recover all other ISRS costs;

(2) "Commission", the Missouri public service commission;

(3) "Eligible infrastructure system replacements", water utility plant projects that:

(a) Replace or extend the useful life of existing infrastructure;

(b) Are in service and used and useful;

(c) Do not increase revenues by directly connecting the infrastructure replacement to new customers; and

(d) Were not included in the water corporation's rate base in its most recent general rate case;

(4) "ISRS", infrastructure system replacement surcharge;

(5) "ISRS costs", depreciation expenses, and property taxes that will be due within twelve months of the ISRS filing;

(6) "ISRS revenues", revenues produced through an ISRS, exclusive of revenues from all other rates and charges;

(7) "Water corporation", every corporation, company, association, joint stock company or association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing any plant or property, dam or water supply, canal, or power station, distributing or selling for distribution, or selling or supplying for gain any water to more than ten thousand customers;

(8) "Water utility plant projects", may consist only of the following:

(a) Mains, and associated valves and hydrants, installed as replacements for existing facilities that have worn out or are in deteriorated condition;

(b) Main cleaning and relining projects; and

(c) Facilities relocations required due to construction or improvement of a highway, road, street, public way, or other public work by or on behalf of the United States, this state, a political subdivision of this state, or another entity having the power of eminent domain provided that the costs related to such projects have not been reimbursed to the water corporation.

**393.1003. RATE SCHEDULES, PROCEDURES TO ESTABLISH OR CHANGE (ST. LOUIS COUNTY).** — 1. Notwithstanding any provisions of chapter 386, RSMo, and this chapter to the contrary, as of August 28, 2003, a water corporation providing water service in a county with a charter form of government and with more than one million inhabitants may file a petition and proposed rate schedules with the commission to establish or change ISRS rate schedules that will allow for the adjustment of the water corporation's rates and charges to provide for the recovery of costs for eligible infrastructure system replacements made in such county with a charter form of government and with more than one million inhabitants; provided that an ISRS, on an annualized basis, must produce ISRS revenues of at least one million dollars but not in excess of ten percent of the water corporation's base revenue level approved by the commission in the water corporation's most recent general rate proceeding. An ISRS and any future changes thereto shall be calculated and implemented in accordance with the provisions of sections 393.1000 to 393.1006. ISRS revenues shall be subject to refund based upon a finding and order of the commission, to the extent provided in subsections 5 and 8 of section 393.1006.

2. The commission shall not approve an ISRS for a water corporation in a county with a charter form of government and with more than one million inhabitants that has not had a general rate proceeding decided or dismissed by issuance of a commission order within the past three years, unless the water corporation has filed for or is the subject of a new general rate proceeding.

3. In no event shall a water corporation collect an ISRS for a period exceeding three years unless the water corporation has filed for or is the subject of a new general rate proceeding; provided that the ISRS may be collected until the effective date of new rate schedules established as a result of the new general rate proceeding, or until the subject general rate proceeding is otherwise decided or dismissed by issuance of a commission order without new rates being established.

**393.1006. DOCUMENTATION TO BE SUBMITTED — NOTICE TO BE PUBLISHED — EXAMINATION OF PROPOSAL — AUTHORIZATION OF COMMISSION, WHEN — PRETAX**

REVENUES, FACTORS TO BE CONSIDERED — REVISED RATE SCHEDULE, FILED WHEN — RULEMAKING AUTHORITY. — 1. (1) At the time that a water corporation files a petition with the commission seeking to establish or change an ISRS, it shall submit proposed ISRS rate schedules and its supporting documentation regarding the calculation of the proposed ISRS with the petition, and shall serve the office of the public counsel with a copy of its petition, its proposed rate schedules and its supporting documentation.

(2) Upon the filing of a petition, and any associated rate schedules, seeking to establish or change an ISRS, the commission shall publish notice of the filing.

2. (1) When a petition, along with any associated proposed rate schedules, is filed pursuant to the provisions of sections 393.1000 to 393.1006, the commission shall conduct an examination of the proposed ISRS.

(2) The staff of the commission may examine information of the water corporation to confirm that the underlying costs are in accordance with the provisions of sections 393.1000 to 393.1006, and to confirm proper calculation of the proposed charge, and may submit a report regarding its examination to the commission not later than sixty days after the petition is filed. No other revenue requirement or ratemaking issues shall be examined in consideration of the petition or associated proposed rate schedules filed pursuant to the provisions of sections 393.1000 to 393.1006.

(3) The commission may hold a hearing on the petition and any associated rate schedules and shall issue an order to become effective not later than one hundred twenty days after the petition is filed.

(4) If the commission finds that a petition complies with the requirements of sections 393.1000 to 393.1006, the commission shall enter an order authorizing the water corporation to impose an ISRS that is sufficient to recover appropriate pretax revenues, as determined by the commission pursuant to the provisions of sections 393.1000 to 393.1006.

3. A water corporation may effectuate a change in its rate pursuant to this section no more often than two times every twelve months.

4. In determining the appropriate pretax revenues, the commission shall consider only the following factors:

- (1) The current state, federal, and local income or excise tax rates;
- (2) The water corporation's actual regulatory capital structure as determined during the most recent general rate proceeding of the water corporation;
- (3) The actual cost rates for the water corporation's debt and preferred stock as determined during the most recent general rate proceeding of the water corporation;
- (4) The water corporation's cost of common equity as determined during the most recent general rate proceeding of the water corporation;
- (5) The current property tax rate or rates applicable to the eligible infrastructure system replacements;
- (6) The current depreciation rates applicable to the eligible infrastructure system replacements;
- (7) In the event information called for in subdivisions (2), (3), and (4) is unavailable and the commission is not provided with such information on an agreed-upon basis, the commission shall refer to the testimony submitted during the most recent general rate proceeding of the water corporation and use, in lieu of any such unavailable information, the recommended capital structure, recommended cost rates for debt and preferred stock, and recommended cost of common equity that would produce the average weighted cost of capital based upon the various recommendations contained in such testimony.

5. (1) An ISRS shall be calculated based upon the amount of ISRS costs that are eligible for recovery during the period in which the surcharge will be in effect and upon the applicable customer class billing determinants utilized in designing the water corporation's customer rates in its most recent general rate proceeding. The commission

shall, however, only allow such surcharges to apply to classes of customers receiving a benefit from the subject water utility plant projects or shall prorate the surcharge according to the benefit received by each class of customers; provided that the ISRS shall be applied in a manner consistent with the customer class cost-of-service study recognized by the commission in the water corporation's most recent general rate proceeding, if applicable, and with the rate design methodology utilized to develop the water corporation's rates resulting from its most recent general rate proceeding.

(2) At the end of each twelve-month calendar period that an ISRS is in effect, the water corporation shall reconcile the differences between the revenues resulting from an ISRS and the appropriate pretax revenues as found by the commission for that period and shall submit the reconciliation and a proposed ISRS adjustment to the commission for approval to recover or refund the difference, as appropriate, through adjustment of an ISRS.

6. (1) A water corporation that has implemented an ISRS pursuant to the provisions of sections 393.1000 to 393.1006 shall file revised rate schedules to reset the ISRS to zero when new base rates and charges become effective for the water corporation following a commission order establishing customer rates in a general rate proceeding that incorporates in the utility's base rates subject to subsections 8 and 9 of this section eligible costs previously reflected in an ISRS.

(2) Upon the inclusion in a water corporation's base rates subject to subsections 8 and 9 of this section of eligible costs previously reflected in an ISRS, the water corporation shall immediately thereafter reconcile any previously unreconciled ISRS revenues as necessary to ensure that revenues resulting from the ISRS match as closely as possible the appropriate pretax revenues as found by the commission for that period.

7. A water corporation's filing of a petition to establish or change an ISRS pursuant to the provisions of sections 393.1000 to 393.1006 shall not be considered a request for a general increase in the water corporation's base rates and charges.

8. Commission approval of a petition, and any associated rate schedules, to establish or change an ISRS pursuant to the provisions of sections 393.1000 to 393.1006 shall in no way be binding upon the commission in determining the ratemaking treatment to be applied to eligible infrastructure system replacements during a subsequent general rate proceeding when the commission may undertake to review the prudence of such costs. In the event the commission disallows, during a subsequent general rate proceeding, recovery of costs associated with eligible infrastructure system replacements previously included in an ISRS, the water corporation shall offset its ISRS in the future as necessary to recognize and account for any such overcollections.

9. Nothing contained in sections 393.1000 to 393.1006 shall be construed to impair in any way the authority of the commission to review the reasonableness of the rates or charges of a water corporation, including review of the prudence of eligible infrastructure system replacements made by a water corporation, pursuant to the provisions of section 386.390 RSMo.

10. The commission shall have authority to promulgate rules for the implementation of sections 393.1000 to 393.1006, but only to the extent such rules are consistent with, and do not delay the implementation of, the provisions of sections 393.1000 to 393.1006. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

**393.1009. DEFINITIONS.** — As used in sections 393.1009 to 393.1015, the following terms mean:

(1) "Appropriate pretax revenues", the revenues necessary to produce net operating income equal to:

(a) The gas corporation's weighted cost of capital multiplied by the net original cost of eligible infrastructure system replacements, including recognition of accumulated deferred income taxes and accumulated depreciation associated with eligible infrastructure system replacements which are included in a currently effective ISRS; and

(b) Recover state, federal, and local income or excise taxes applicable to such income; and

(c) Recover all other ISRS costs;

(2) "Commission", the Missouri public service commission;

(3) "Eligible infrastructure system replacements", gas utility plant projects that:

(a) Do not increase revenues by directly connecting the infrastructure replacement to new customers;

(b) Are in service and used and useful;

(c) Were not included in the gas corporation's rate base in its most recent general rate case; and

(d) Replace, or extend the useful life of an existing infrastructure;

(4) "Gas corporation", every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating, controlling, or managing any gas plant operating for public use under privilege, license, or franchise now or hereafter granted by the state or any political subdivision, county, or municipality thereof as defined in section 386.020, RSMo;

(5) "Gas utility plant projects", may consist only of the following:

(a) Mains, valves, service lines, regulator stations, vaults, and other pipeline system components installed to comply with state or federal safety requirements as replacements for existing facilities that have worn out or are in deteriorated condition;

(b) Main relining projects, service line insertion projects, joint encapsulation projects, and other similar projects extending the useful life, or enhancing the integrity of pipeline system components undertaken to comply with state or federal safety requirements; and

(c) Facilities relocations required due to construction or improvement of a highway, road, street, public way, or other public work by or on behalf of the United States, this state, a political subdivision of this state, or another entity having the power of eminent domain provided that the costs related to such projects have not been reimbursed to the gas corporation;

(6) "ISRS", infrastructure system replacement surcharge;

(7) "ISRS costs", depreciation expense and property taxes that will be due within twelve months of the ISRS filing;

(8) "ISRS revenues", revenues produced through an ISRS exclusive of revenues from all other rates and charges.

**393.1012. RATE SCHEDULES, PROCEDURES TO ESTABLISH OR CHANGE.** — 1. Notwithstanding any provisions of chapter 386, RSMo, and this chapter to the contrary, beginning August 28, 2003, a gas corporation providing gas service may file a petition and proposed rate schedules with the commission to establish or change ISRS rate schedules that will allow for the adjustment of the gas corporation's rates and charges to provide for the recovery of costs for eligible infrastructure system replacements. The commission may not approve an ISRS to the extent it would produce total annualized ISRS revenues below the lesser of one million dollars or one-half of one percent of the gas corporation's base revenue level approved by the commission in the gas corporation's most recent general

rate proceeding. The commission may not approve an ISRS to the extent it would produce total annualized ISRS revenues exceeding ten percent of the gas corporation's base revenue level approved by the commission in the gas corporation's most recent general rate proceeding. An ISRS and any future changes thereto shall be calculated and implemented in accordance with the provisions of sections 393.1009 to 393.1015. ISRS revenues shall be subject to a refund based upon a finding and order of the commission to the extent provided in subsections 5 and 8 of section 393.1009.

2. The commission shall not approve an ISRS for any gas corporation that has not had a general rate proceeding decided or dismissed by issuance of a commission order within the past three years, unless the gas corporation has filed for or is the subject of a new general rate proceeding.

3. In no event shall a gas corporation collect an ISRS for a period exceeding three years unless the gas corporation has filed for or is the subject of a new general rate proceeding; provided that the ISRS may be collected until the effective date of new rate schedules established as a result of the new general rate proceeding, or until the subject general rate proceeding is otherwise decided or dismissed by issuance of a commission order without new rates being established.

**393.1015. DOCUMENTATION TO BE SUBMITTED — NOTICE TO BE PUBLISHED — EXAMINATION OF PROPOSAL — AUTHORIZATION BY COMMISSION, WHEN — PRETAX REVENUES, FACTORS TO BE CONSIDERED — REVISED RATE SCHEDULE, FILED WHEN — RULEMAKING AUTHORITY. — 1. (1) At the time that a gas corporation files a petition with the commission seeking the establish or change an ISRS, it shall submit proposed ISRS rate schedules and its supporting documentation regarding the calculation of the proposed ISRS with the petition, and shall serve the office of the public counsel with a copy of its petition, its proposed rate schedules, and its supporting documentation.**

(2) Upon the filing of a petition, and any associated rate schedules, seeking to establish or change an ISRS, the commission shall publish notice of the filing.

2. (1) When a petition, along with any associated proposed rate schedules, is filed pursuant to the provisions of sections 393.1009 to 393.1015, the commission shall conduct an examination of the proposed ISRS.

(2) The staff of the commission may examine information of the gas corporation to confirm that the underlying costs are in accordance with the provisions of sections 393.1009 to 393.1015, and to confirm proper calculation of the proposed charge, and may submit a report regarding its examination to the commission not later than sixty days after the petition is filed. No other revenue requirement or ratemaking issues may be examined in consideration of the petition or associated proposed rate schedules filed pursuant to the provisions of sections 393.1009 to 393.1015.

(3) The commission may hold a hearing on the petition and any associated rate schedules and shall issue an order to become effective not later than one hundred twenty days after the petition is filed.

(4) If the commission finds that a petition complies with the requirements of sections 393.1009 to 393.1015, the commission shall enter an order authorizing the corporation to impose an ISRS that is sufficient to recover appropriate pretax revenue, as determined by the commission pursuant to the provisions of sections 393.1009 to 393.1015.

3. A gas corporation may effectuate a change in its rate pursuant to the provisions of this section no more often than two times every twelve months.

4. In determining the appropriate pretax revenue, the commission shall consider only the following factors:

(1) The current state, federal, and local income tax or excise rates;

(2) The gas corporation's actual regulatory capital structure as determined during the most recent general rate proceeding of the gas corporation;

(3) The actual cost rates for the gas corporation's debt and preferred stock as determined during the most recent general rate proceeding of the gas corporation;

(4) The gas corporation's cost of common equity as determined during the most recent general rate proceeding of the gas corporation;

(5) The current property tax rate or rates applicable to the eligible infrastructure system replacements;

(6) The current depreciation rates applicable to the eligible infrastructure system replacements; and

(7) In the event information pursuant to subdivisions (2), (3), and (4) of this subsection is unavailable and the commission is not provided with such information on an agreed upon basis, the commission shall refer to the testimony submitted during the most recent general rate proceeding of the gas corporation and use, in lieu of any such unavailable information, the recommended capital structure, recommended cost rates for debt and preferred stock, and recommended cost of common equity that would produce the average weighted cost of capital based upon the various recommendations contained in such testimony.

5. (1) The monthly ISRS charge may be calculated based on a reasonable estimate of billing units in the period in which the charge will be in effect, which shall be conclusively established by dividing the appropriate pretax revenues by the customer numbers reported by the gas corporation in the annual report it most recently filed with the commission pursuant to subdivision (6) of section 393.140, and then further dividing this quotient by twelve. Provided, however, that the monthly ISRS may vary according to customer class and may be calculated based on customer numbers as determined during the most recent general rate proceeding of the gas corporation so long as the monthly ISRS for each customer class maintains a proportional relationship equivalent to the proportional relationship of the monthly customer charge for each customer class.

(2) At the end of each twelve month calendar period the ISRS is in effect, the gas corporation shall reconcile the differences between the revenues resulting from an ISRS and the appropriate pretax revenues as found by the commission for that period and shall submit the reconciliation and a proposed ISRS adjustment to the commission for approval to recover or refund the difference, as appropriate, through adjustments of an ISRS charge.

6. (1) A gas corporation that has implemented an ISRS pursuant to the provisions of sections 393.1009 to 393.1015 shall file revised rate schedules to reset the ISRS to zero when new base rates and charges become effective for the gas corporation following a commission order establishing customer rates in a general rate proceeding that incorporates in the utility's base rates subject to subsections 8 and 9 of this section eligible costs previously reflected in an ISRS.

(2) Upon the inclusion in a gas corporation's base rates subject to subsections 8 and 9 of this section of eligible costs previously reflected in an ISRS, the gas corporation shall immediately thereafter reconcile any previously unreconciled ISRS revenues as necessary to ensure that revenues resulting from the ISRS match as closely as possible the appropriate pretax revenues as found by the commission for that period.

7. A gas corporation's filing of a petition or change an ISRS pursuant to the provisions of sections 393.1009 to 393.1015 shall not be considered a request for a general increase in the gas corporation's base rates and charges.

8. Commission approval of a petition, and any associated rate schedules, to establish or change an ISRS pursuant to the provisions of sections 393.1009 to 393.1015 shall in no way be binding upon the commission in determining the ratemaking treatment to be applied to eligible infrastructure system replacements during a subsequent general rate proceeding when the commission may undertake to review the prudence of such costs. In the event the commission disallows, during a subsequent general rate proceeding, recovery

of costs associated with eligible infrastructure system replacements previously included in an ISRS, the gas corporation shall offset its ISRS in the future as necessary to recognize and account for any such overcollections.

9. Nothing in this section shall be construed as limiting the authority of the commission to review and consider infrastructure system replacement costs along with other costs during any general rate proceeding of any gas corporation.

10. Nothing contained in sections 393.1009 to 393.1015 shall be construed to impair in any way the authority of the commission to review the reasonableness of the rates or charges of a gas corporation, including review of the prudence of eligible infrastructure system replacements made by a gas corporation, pursuant to the provisions of section 386.390, RSMo.

11. The commission shall have authority to promulgate rules for the implementation of sections 393.1009 to 393.1015, but only to the extent such rules are consistent with, and do not delay the implementation of, the provisions of sections 393.1009 to 393.1015. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

**SECTION 1. STEAM HEATING COMPANIES, MAY FILE UNDER SMALL COMPANY RATE PROCEDURES, WHEN.** — A steam heating company having fewer than one hundred customers in this state may file under a small company rate procedure promulgated by the commission which shall be consistent with 4 CSR 240-3.240 by giving notice to the secretary of the commission, the public counsel, each customer, and each gas corporation or electric corporation providing utility service in the area. Any customer, gas corporation, or electric corporation responding within thirty days of the date of the notice shall be entitled to copies of all filings subsequently made in the case and may participate in any conferences or hearings therein.

**SECTION B. EMERGENCY CLAUSE.** — Because immediate action is necessary in order to ensure the continued operation of certain aluminum smelting facilities in this state, the enactment of section 91.026 and the repeal and reenactment of section 91.030 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 91.026 and the repeal and reenactment of section 91.030 section A of this act shall be in full force and effect upon its passage and approval.

Approved July 9, 2003

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HB 221 [SCS HCS HB 221]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Revises laws on banking.**

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AN ACT to repeal sections 59.163, 173.387, 173.390, 306.410, 361.130, 361.140, 361.160, 361.170, 362.010, 362.105, 362.106, 362.170, 362.295, 362.910, 362.923, 369.159, 400.9-525, 407.433, 408.450, 408.455, 408.460, 408.465, 408.467, 408.470, 408.653, and 408.654, RSMo, and to enact in lieu thereof twenty-two new sections relating to banking, with an effective date for a certain section and penalty provisions.

SECTION

- A. Enacting clause.
- 59.163. Instruments where recorded or filed in counties of first class having two recording offices.
- 59.321. One dollar filing fee required, used for county employees' retirement system or general revenue account.
- 173.387. Authority not to be originator of guaranteed student loan, exceptions.
- 173.390. Bond issues — types authorized — rates — option to call for redemption before maturity, requirements — sale — price — cost.
- 306.410. Duties of parties upon creation of lien or encumbrance — failure of owner to perform certain duties, penalty.
- 361.130. Reports to director — information accepted in lieu of reports.
- 361.140. Preparation of information for report of department of economic development.
- 361.160. Examination of banks and trust companies.
- 361.170. Expenses of examination, how paid — division of finance fund, created, uses, transfers to general revenue fund, when.
- 362.010. Definitions.
- 362.105. Powers and authority of banks and trust companies.
- 362.106. Additional powers.
- 362.111. Fees and service charges permitted, when, conditions.
- 362.170. Unimpaired capital, defined — restrictions on loans, and total liability to any one person.
- 362.295. Reports to director — publication — penalty.
- 362.910. Definitions.
- 362.923. Bank holding companies, examination of, when — considered new business entity, when.
- 369.159. Fee or service charge authorized.
- 370.171. Fee or service charge authorized.
- 400.9-525. Fees.
- 407.433. Protection of credit card and debit card account numbers, prohibited actions, penalty, exceptions — effective date, applicability.
- 408.455. Variable rate agreements subject to certain provisions.
- 408.450. Variable rate agreement by parties, requirement, limitation — account fluctuation, when — not applicable to credit cards — interest, how computed — prepayment penalties, prohibited.
- 408.460. Open-end contract, with variable rate — disclosures required to be given obligor — right of termination, rejection of new rate by obligor, effect.
- 408.465. Ceiling computation — information to compute unavailable, duty of lender, effect.
- 408.467. Renewal or extension of contract, maximum rate.
- 408.470. Certain loans and time price sales law not applicable.
- 408.653. Fee limitations, overdrafts.
- 408.654. Overdraft charge, amount.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 59.163, 173.387, 173.390, 306.410, 361.130, 361.140, 361.160, 361.170, 362.010, 362.105, 362.106, 362.170, 362.295, 362.910, 362.923, 369.159, 400.9-525, 407.433, 408.450, 408.455, 408.460, 408.465, 408.467, 408.470, 408.653, and 408.654, RSMo, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 59.163, 59.321, 173.387, 173.390, 306.410, 361.130, 361.140, 361.160, 361.170, 362.010, 362.105, 362.106, 362.111, 362.170, 362.295, 362.910, 362.923, 369.159, 370.171, 400.9-525, 407.433, and 408.455, to read as follows:

**59.163. INSTRUMENTS WHERE RECORDED OR FILED IN COUNTIES OF FIRST CLASS HAVING TWO RECORDING OFFICES.** — In any county of the first class in which the recorder of deeds is required by law to keep offices both at the county seat and at another place within the county, all deeds, deeds of trust, mortgages, and other instruments affecting real property situated in that range in the county where the office outside of the county seat is located shall be recorded in such office and not at the county seat; and the proper place to file, or to file for record if goods

are or are to become fixtures, [all financing statements or other instruments or statements incidental thereto, such as continuation statements, termination statements, statements of assignment, statements of release, in order to perfect, continue, terminate, assign, release or affect a security interest in accordance with article 9, part 4, chapter 400, the Uniform Commercial Code,] is as follows:

(1) [When the collateral is equipment used in farming operations, or farm products, or accounts, contract rights or general intangibles arising from or relating to the sale of farm products by a farmer, or consumer goods (as such types of collateral are defined in the Uniform Commercial Code) and the debtor's residence is in that range where the office outside the county seat is located, then in such office outside the county seat, or if the debtor is not a resident of this state and the goods are kept in that range where the office outside the county seat is located, then in such office outside the county seat, and in addition, when the collateral is crops, and the land on which the crops are growing or are to be grown is located in that range where the office outside the county seat is located, then in such office outside the county seat;

(2)] When the collateral is goods which at the time the security interest attaches are or are to become fixtures, and the land to which the fixtures are or are to be attached is located in that range where the office outside the county seat is located, then in such office outside the county seat, and any such filing shall be for record;

[(3) When the collateral is any other kind of property, in the office of the secretary of state and in addition: (a) If the debtor has a place of business only in such county of this state and only in that range where the office outside the county seat is located, also in such office outside the county seat, or (b) If the debtor has places of business only in such county of this state but has a place of business both in that range where the office outside the county seat is located, and also elsewhere in such county, then also in such office outside the county seat and also in such office at the county seat, or (c) If the debtor has no place of business in this state, but resides in that range where the office outside the county seat is located, then also in such office outside the county seat;

(4)] (2) In all other cases where the proper place, or one of the proper places, to file or to file for record is in the office of the recorder of deeds of such county, then only in such office at the county seat and not in such office outside the county seat;

**(3) All financing statements or other instruments or statements incidental thereto, such as continuation statements, termination statements, statements of assignment, in order to perfect, continue, terminate, assign, release, or affect a security interest in accordance with article 9, chapter 400, the Uniform Commercial Code, shall have priority over liens filed under this section for the time period after June 30, 2001, and before August 28, 2003.**

**59.321. ONE DOLLAR FILING FEE REQUIRED, USED FOR COUNTY EMPLOYEES' RETIREMENT SYSTEM OR GENERAL REVENUE ACCOUNT. — In addition to any other fee, the recorder of deeds in all counties and any city not within a county shall collect one dollar on all documents or instruments that are recorded. The recorder of deeds in all counties, except in counties with a charter form of government and any city not within a county, shall forward the fee to the county employees' retirement system pursuant to section 50.1190, RSMo, provided, however, that the recorder of deeds in any county with a charter form of government and any city not within a county whose employees are not members of the county employees' retirement system shall deposit the fee to the general revenue of that county or city not within a county. The provisions of this section shall become effective September 1, 2003.**

**173.387. AUTHORITY NOT TO BE ORIGINATOR OF GUARANTEED STUDENT LOAN, EXCEPTIONS. — The authority shall not, under any circumstances, be the originator of any federally guaranteed student loan, except for consolidation of existing student loans, parent**

loans for undergraduate students (PLUS), and upon designation by the commissioner as lender of last resort.

**173.390. BOND ISSUES — TYPES AUTHORIZED — RATES — OPTION TO CALL FOR REDEMPTION BEFORE MATURITY, REQUIREMENTS — SALE — PRICE — COST.** — Bonds of the authority may be issued as serial bonds, as term bonds, or as a combination of both types. All such bonds issued by the authority shall be payable solely from and secured by a pledge of revenues derived from or by reason of the ownership of student loan notes and investment income or as may be designated in a bond resolution authorized by the authority. Such bonds may be executed and delivered by the authority at any time and from time to time, may be in such form and denomination or denominations and of such terms and maturities, may be in fully registered form or in bearer form, registrable either as to principal or interest or both, may bear such conversion privileges, may be payable in such installment or installments and at such time or times not exceeding [thirty] **forty** years from the date of the issuance thereof, may be payable at such place or places whether within or without the state of Missouri, may bear interest at such rate or rates per annum as determined by the authority without regard to section 108.170, RSMo, may be made payable at such time or times and at such place or places, may be evidenced in such manner, may be executed by such officers of the authority, may have attached thereto, in the case of bearer bonds or bonds registrable as to principal only, interest coupons bearing the facsimile signature of the secretary of the authority, and may contain such provisions not inconsistent herewith, all as shall be provided in the bond resolution or resolutions of the authority whereunder the bonds shall be authorized to be issued. If deemed advisable by the authority, there may be retained in the bond resolution under which any bonds of the authority are authorized to be issued an option to call for redemption in advance of maturity all or any part of such bonds as may be specified in the bond resolution, at such price or prices, upon the giving of such notice or notices, and upon such terms and conditions as may be set forth in the bond resolution and as may be recited on the face of the bonds, but nothing in this section shall be construed to confer upon the authority the right or option to call for redemption in advance of maturity any bonds except as may be provided in the bond resolution under which they shall be issued. The bonds of the authority may be sold at public or private sale for such price, in such manner, and from time to time as may be determined by the authority notwithstanding the provisions of section 108.170, RSMo, and the authority may pay all expenses, premiums, and commissions which it may deem necessary or advantageous in connection with the issuance thereof from the proceeds of the bonds. Other forms of indebtedness issued by the authority shall have such terms as may be provided in a bond resolution authorized by the authority. Any such indebtedness may bear interest at such rates and be sold in such manner as may be determined by the authority notwithstanding the provisions of section 108.170, RSMo, and the authority may pay all expenses, premiums and commissions which it may deem necessary or advantageous in connection with the issuance thereof from proceeds therefrom or from other funds of the authority.

**306.410. DUTIES OF PARTIES UPON CREATION OF LIEN OR ENCUMBRANCE — FAILURE OF OWNER TO PERFORM CERTAIN DUTIES, PENALTY.** — If an owner creates a lien or encumbrance on an outboard motor, motorboat, vessel, or watercraft:

(1) The owner shall immediately execute the application, either in the space provided therefor on the certificate of title or on a separate form the director of revenue prescribes, to name the lienholder on the certificate of title, showing the name and address of the lienholder and the date of his or her security agreement, and shall cause the certificate of title, the application and the required fee to be mailed or delivered to the director of revenue. Failure of the owner to do so is a class A misdemeanor;

(2) The lienholder or an authorized agent licensed pursuant to sections 301.112 to 301.119, RSMo, shall deliver to the director of revenue a notice of lien as prescribed by the director accompanied by all other necessary documentation to perfect a lien pursuant to section 306.400;

(3) To perfect a lien for a subordinate lienholder when a transfer of ownership occurs, the subordinate lienholder shall either mail or deliver, or cause to be mailed or delivered, a completed notice of lien to the department of revenue, accompanied by authorization from the first lienholder. The owner shall ensure the subordinate lienholder is recorded on the application for title at the time the application is made to the department of revenue. To perfect a lien for a subordinate lienholder when there is no transfer of ownership, the owner or lienholder in possession of the certificate shall either mail or deliver, or cause to be mailed or delivered, the owner's application for title, certificate, notice of lien, authorization from the first lienholder and title fee to the department of revenue. The delivery of the certificate and executing a notice of authorization to add a subordinate lien does not affect the rights of the first lienholder under the security agreement;

(4) Upon receipt of the documents and fee required in subdivision (3) of this section, the director of revenue shall issue a new certificate of title containing the name and address of the new lienholder, and mail the certificate of title to the [first lienholder] **owner** named in it or if a lienholder has elected to have the director of revenue retain possession of an electronic certificate of title, the lienholder shall either mail or deliver to the director a notice of authorization for the director to add a subordinate lienholder to the existing certificate as prescribed in section 306.405. Upon receipt of such authorization and a notice of lien from a subordinate lienholder, the director shall add the subordinate lienholder to the certificate of title being electronically retained by the director and provide confirmation of the addition to both lienholders.

**361.130. REPORTS TO DIRECTOR — INFORMATION ACCEPTED IN LIEU OF REPORTS. —**

1. The director shall require all financial institutions under his **or her** supervision to make regular periodic reports of their condition to him **or her**, and in addition [he] **the director** may require special reports at such times as he **or she** may prescribe. The director shall prescribe the form and contents of all such reports. Such reports shall be verified and the director shall prescribe the form of verification.

2. The director, at least two times in each year, shall designate some day as of which every bank or trust company under [his] **the director's** supervision shall report to him **or her**. [He] **The director** shall serve a notice designating such day by delivering a copy thereof to some officer of such corporation at its place of business or by mail, postage prepaid, addressed to such corporation at its principal place of business.

**3. In lieu of requiring direct filing of reports of condition, the director may obtain the information from data filed with federal regulatory agencies but may require verification and the filing of supplemental information as the director deems necessary.**

**361.140. PREPARATION OF INFORMATION FOR REPORT OF DEPARTMENT OF ECONOMIC DEVELOPMENT. —** 1. The director of finance shall prepare the following information to be included in the report of the director of the department of economic development:

(1) A summary of the state and condition of every corporation required to report to him **or her** and from which reports have been received **or obtained pursuant to subsection 3 of section 361.130** during the preceding two years, at the several dates to which such reports refer, with an abstract of the whole amount of capital reported by them, the whole amount of their debts and liabilities and the total amount of their resources, specifying in the case of banks and trust companies the amount of lawful money held by them at the time of their several reports, and such other information in relation to such corporations as, in his **or her** judgment, may be useful;

(2) A statement of all corporations authorized by him **or her** to do business during the previous biennium with their names and locations and the dates on which their respective

certificates of incorporation were issued, particularly designating such as have commenced business during the biennium;

(3) A statement of the corporations whose business has been closed either voluntarily or involuntarily, during the biennium, with the amount of their resources and of their deposits and other liabilities as last reported by them and the amount of unclaimed and unpaid deposits, dividends and interest held by him **or her** on account of each;

(4) A statement of the amount of interest earned upon all unclaimed deposits, dividends and interest held by him **or her** pursuant to the requirements of this chapter;

(5) Any amendments to this chapter, which, in his **or her** judgment, may be desirable;

(6) The names and compensation of the deputies, clerks, examiners, special agents and other employees employed by him **or her**, and the whole amount of the receipts and expenditures of the division during each of the last two preceding fiscal years.

2. All such reports shall be printed at the expense of the state and paid for as other public printing.

**361.160. EXAMINATION OF BANKS AND TRUST COMPANIES.** — 1. The director of finance at least once each year, either personally or by a deputy or examiner appointed by the director, shall visit and examine every bank and trust company organized and doing business under the laws of this state, and every other corporation which is by law required to report to the director; except, for banks or trust companies receiving a Camel 1 or Camel 2 rating from the division of finance, the director of finance at least once each eighteen calendar months either personally or by a deputy or examiner appointed by the director, shall visit and examine such bank or trust company, and the director of finance, at the director's discretion, may conduct the director's examination, or any part thereof, on the basis of information contained in examination reports of other states, the Federal Deposit Insurance Corporation or the Federal Reserve Board or in audits performed by certified public accountants. **The director shall be afforded prompt and free access to any workpapers upon which a certified public accountant bases an audit. A certified public accountant shall retain workpapers for a minimum of three years after the date of issuance of the certified public accountant's report to the bank or trust company.** The director or the director's agent may concentrate the examinations on institutions which the director believes have safety or soundness concerns.

2. The director, or the deputy or examiners designated by the director for that purpose, shall have power to examine any such corporation whenever, in the director's judgment, it may be deemed necessary or expedient, and shall have power to examine every agency located in this state of any foreign banking corporation and every branch in this state of any out-of-state bank, for the purpose of ascertaining whether it has violated any law of this state, and for such other purposes and as to such other matters as the director may prescribe.

3. The director and the director's deputy and examiners shall have power to administer oaths to any person whose testimony may be required in such examination or investigation of any such corporation or agency, and to compel the appearance and attendance of any person for the purpose of any such examination or investigation.

4. On every such examination inquiry shall be made as to the condition and resources of such corporation, the mode of conducting and managing its affairs, the actions of its directors or trustees, the investment of its funds, the safety and prudence of its management, the security afforded to its creditors, and whether the requirements of its charter and of law have been complied with in the administration of its affairs, and as to such other matters as the director may prescribe.

5. The director may also make such special investigations as the director deems necessary to determine whether any individual or corporation has violated any of the provisions of this law.

6. Such examination may be made and such inquiry instituted or continued in the discretion of the director after the director has taken possession of the property and business of any such

corporation, until it shall resume business or its affairs shall be finally liquidated in accordance with the provisions of this chapter.

7. The result of each examination shall be certified by the director or the examiner upon the records of the corporation examined and the result of all examinations during the biennial period shall be embodied in the report to be made by the director of the department of economic development to the legislature.

8. The director may contract with regulators in other states to provide for the examination of Missouri branches of out-of-state banks and branches of banks whose home state is Missouri. The agreements may provide for the payment by the home state of the cost of examinations conducted by the host state at the request of the home state regulators.

**361.170. EXPENSES OF EXAMINATION, HOW PAID — DIVISION OF FINANCE FUND, CREATED, USES, TRANSFERS TO GENERAL REVENUE FUND, WHEN.** — 1. The expense of every regular and every special examination, together with the expense of administering the banking laws, including salaries, travel expenses, supplies and equipment, and including the direct and indirect expenses for rent and other supporting services furnished by the state, shall be paid by the banks and trust companies of the state, and for this purpose the director shall, prior to the beginning of each fiscal year, make an estimate of the expenses to be incurred by the division during such fiscal year. To this, there shall be added an amount equal to fifteen percent of the estimated expenses to pay the costs of rent and other supporting services such as the costs related to the division's services from the state auditor and attorney general and an amount sufficient to cover the cost of fringe benefits furnished by the state. From this total amount the director shall deduct the estimated amount of the anticipated annual income to the fund from all sources other than bank or trust company assessments. The director shall allocate and assess the remainder to the several banks and trust companies in the state on the basis of a weighted formula to be established by the director, which will take into consideration their total assets, as reflected in the last preceding report called for by the director pursuant to the provisions of section 361.130 **or from information obtained pursuant to subsection 3 of section 361.130** and, for trust companies which do not take deposits or make loans, the volume of their trust business, and the relative cost, in salaries and expenses, of examining banks and trust companies of various size and this calculation shall result in an assessment for each bank and trust company which reasonably represents the costs of the division of finance incurred with respect to such bank or trust company. A statement of such assessment shall be sent by the director to each bank and trust company on or before July first. One-half of the amount so assessed to each bank or trust company shall be paid by it to the state director of the department of revenue on or before July fifteenth, and the remainder shall be paid on or before January fifteenth of the next year.

2. Any expenses incurred or services performed on account of any bank, trust company or other corporation subject to the provisions of this chapter, outside of the normal expense of any annual or special examination, shall be charged to and paid by the corporation for whom they were incurred or performed.

3. The state treasurer shall credit such payments to a special fund to be known as the "Division of Finance Fund", which is hereby created and which shall be devoted solely to the payment of expenditures actually incurred by the division and attributable to the regulation of banks, trust companies, and other corporations subject to the jurisdiction of the division. Any amount, other than the fifteen percent for supporting services and the amount of fringe benefits described in subsection 1 of this section, remaining in such fund at the end of any fiscal year up to five percent of the amount assessed to the banks and trust companies pursuant to subsection 1 of this section shall not be transferred and placed to the credit of the general revenue fund as provided in section 33.080, RSMo, but shall be applicable by appropriation of the general assembly to the payment of such expenditures of the division in the succeeding fiscal year and shall be applied by the division to the reduction of the amount to be assessed to banks and trust companies in such succeeding fiscal year; provided the fifteen percent for supporting services

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and the amount of fringe benefits described in subsection 1 of this section and any amount remaining in the division of finance fund at the end of the fiscal year which exceeds five percent of the amount assessed to the banks and trust companies pursuant to subsection 1 of this section shall be returned to general revenue.

**362.010. DEFINITIONS.**— When used in this chapter, the term:

(1) "Aggregate demand deposits" means the deposit against which reserves must be maintained by banks and trust companies and includes total deposits, all amounts due to banks, bankers and trust companies, the amount due on certified and cashier's checks, and for unpaid dividends, less the following items:

- (a) Total time deposits;
- (b) The amounts due it on demand from banks, bankers and trust companies, other than its reserve depositories, including foreign exchange balances credited to it and subject to draft;
- (c) The excess due it from reserve depositories over the amount required to maintain its total reserves;

(2) "Assessment" shall be construed as synonymous with the word "forfeiture";

(3) "Bank" means any corporation soliciting, receiving or accepting money, or its equivalent, on deposit as a business, whether the deposit is made subject to check, or is evidenced by a certificate of deposit, a passbook, a note, a receipt, or other writing, **and specifically a commercial bank chartered under this chapter or a national bank located in this state;**

(4) "Demand deposits" means deposits, payment of which can legally be required [within thirty days] **as provided in federal law and regulation;**

(5) "Dividend period" means the period from the date as of which the last dividend of any corporation to which this chapter is applicable was declared to the date selected for the declaration of the next dividend; or the period from the date when its corporate existence began to the date as of which the first dividend is declared;

(6) "Net earnings" means the excess of gross earnings of any corporation to which this chapter is applicable over expenses and losses chargeable against the earnings during any dividend period;

(7) "Population" means population as determined by the last state or federal enumeration; or when used in connection with the words "unincorporated village" as determined by the finance commissioner from the best available sources of information, **except as otherwise provided in this chapter;**

(8) "Reserve depository" means a bank, trust company or banking corporation approved by the finance director as a depository for reserves on deposit;

(9) "Reserves on deposit" means the reserves against deposits maintained by any corporation pursuant to this chapter in reserve depositories, or in a federal reserve bank of which the corporation is a member, and not in excess of the amount authorized by this chapter;

(10) "Reserves on hand" means the reserves against deposits kept in the vault of any individual or corporation pursuant to the provisions of this chapter;

(11) "Stockholder", unless otherwise qualified, means a person who appears by the books of a stock corporation to be the owner and holder of one or more shares of the stock of the corporation;

(12) "Surplus" means the excess of assets over liabilities including liability to stockholders;

(13) "Surplus fund" means a fund created pursuant to the provisions of this chapter by a bank or trust company from its net earnings or undivided profits, which to the amount specified in this chapter is not available for the payment of dividends and cannot be used for the payment of expenses or losses so long as any corporation has undivided profits;

(14) "Time deposits" means all deposits, the payment of which cannot legally be required [within thirty days] **as provided in federal law and regulation;**

(15) "Total profits" means the total amount of undistributed net earnings of any corporation to which this chapter is applicable from the date of its organization, including such portions of its surplus fund or guaranty fund as have been derived from net earnings or from undivided profits;

(16) "Total reserves" means the aggregate of reserves on hand and reserves on deposit maintained pursuant to the provisions of this chapter;

(17) "Undivided profits" means the credit balance of the profit and loss account of any corporation to which this chapter is applicable.

**362.105. POWERS AND AUTHORITY OF BANKS AND TRUST COMPANIES.** — 1. Every bank and trust company created under the laws of this state may for a fee or other consideration, directly or through a subsidiary company, and upon complying with any applicable licensing statute:

(1) Conduct the business of receiving money on deposit and allowing interest thereon not exceeding the legal rate or without allowing interest thereon, and of buying and selling exchange, gold, silver, coin of all kinds, uncurrent money, of loaning money upon real estate or personal property, and upon collateral of personal security at a rate of interest not exceeding that allowed by law, and also of buying, investing in, selling and discounting negotiable and nonnegotiable paper of all kinds, including bonds as well as all kinds of commercial paper; and for all loans and discounts made, the corporation may receive and retain the interest in advance;

(2) Accept for payment, at a future date, drafts drawn upon it by its customers and to issue letters of credit authorizing the holders thereof to draw drafts upon it or upon its correspondents at sight or on time not exceeding one year; provided, that no bank or trust company shall incur liabilities under this subdivision to an amount equal at any time in the aggregate to more than its paid-up and unimpaired capital stock and surplus fund, except with the approval of the director under such general regulations as to amount of acceptances as the director may prescribe;

(3) Purchase and hold, for the purpose of becoming a member of a Federal Reserve Bank, so much of the capital stock thereof as will qualify it for membership in the reserve bank pursuant to an act of Congress, approved December 23, 1913, entitled "The Federal Reserve Act" and any amendments thereto; to become a member of the Federal Reserve Bank, and to have and exercise all powers, not in conflict with the laws of this state, which are conferred upon any member by the Federal Reserve Act and any amendments thereto. The member bank or trust company and its directors, officers and stockholders shall continue to be subject, however, to all liabilities and duties imposed upon them by any law of this state and to all the provisions of this chapter relating to banks or trust companies;

(4) Subscribe for and purchase such stock in the Federal Deposit Insurance Corporation and to make such payments to and to make such deposits with the Federal Deposit Insurance Corporation and to pay such assessments made by such corporation as will enable the bank or trust company to obtain the benefits of the insurance of deposits under the act of Congress known as "The Banking Act of 1933" and any amendments thereto;

(5) Invest in a bank service corporation as defined by the act of Congress known as the "Bank Service Corporation Act", Public Law 87-856, as approved October 23, 1962, to the same extent as provided by that act or any amendment thereto;

(6) Hold a noncontrolling equity interest in any business entity that conducts only activities that are financial in nature or incidental to financial activity or that is established pursuant to subdivision (16) of this subsection where the majority of the stock or other interest is held by Missouri banks, Missouri trust companies, national banks located in Missouri, or any foreign bank with a branch or branches in Missouri, or any combination of these financial institutions; provided that if the entity is defined pursuant to Missouri law as any type of financial institution subsidiary or other type of entity subject to special conditions or regulations, those conditions and regulations shall remain applicable, and provided that such business entity may be formed as any

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type of business entity, in which each investor's liability is limited to the investment in and loans to the business entity as otherwise provided by law;

(7) Receive upon deposit for safekeeping personal property of every description, and to own or control a safety vault and rent the boxes therein;

(8) Purchase and hold the stock of one safe deposit company organized and existing under the laws of the state of Missouri and doing a safe deposit business on premises owned or leased by the bank or trust company at the main banking house and any branch operated by the bank or trust company; provided, that the purchasing and holding of the stock is first duly authorized by resolution of the board of directors of the bank or trust company and by the written approval of the director, and that all of the shares of the safe deposit company shall be purchased and held, and shall not be sold or transferred except as a whole and not be pledged at all, all sales or transfers or pledges in violation hereof to be void;

(9) Act as the fiscal or transfer agent of the United States, of any state, municipality, body politic or corporation and in such capacity to receive and disburse money, to transfer, register and countersign certificates of stock, bonds and other evidences of indebtedness;

(10) [Purchase, lease, hold] **Acquire** or convey real property for the following purposes:

(a) [With the approval of the director, plots whereon there is or may be erected a building or buildings suitable for the convenient conduct of its functions or business or for customer or employee parking even though a revenue may be derived from portions not required for its own use, and as otherwise permitted by law;

(b)] Real property conveyed to it in satisfaction or part satisfaction of debts previously contracted in the course of its business; **and**

[(c)] **(b)** Real property purchased at sales under judgment, decrees or liens held by it;

(11) Purchase, hold and become the owner and lessor of personal property acquired upon the specific request of and for use of a customer; and, in addition, leases that neither anticipate full purchase price repayment on the leased asset, nor require the lease to cover the physical life of the asset, other than those for motor vehicles which will not be used by bank or trust company personnel, and may incur such additional obligations as may be incident to becoming an owner and lessor of the property, subject to the following limitations:

(a) Lease transactions do not result in loans for the purpose of section 362.170, but the total amount disbursed under leasing obligations or rentals by any bank to any person, partnership, association, or corporation shall at no time exceed the legal loan limit permitted by statute except upon the written approval of the director of finance;

(b) Lease payments are in the nature of rent rather than interest, and the provisions of chapter 408, RSMo, are not applicable;

(12) Contract with another bank or trust company, bank service corporation or other partnership, corporation, association or person, within or without the state, to render or receive services such as check and deposit sorting and posting, computation and posting of interest and other credits and charges, preparation and mailing of checks, statements, notices, and similar items, or any other clerical, bookkeeping, accounting, statistical, financial counseling, or similar services, or the storage, transmitting or processing of any information or data; except that, the contract shall provide, to the satisfaction of the director of finance, that the party providing such services to a bank or trust company will be subject to regulation and examination to the same extent as if the services were being performed by the bank or trust company on its own premises. This subdivision shall not be deemed to authorize a bank or trust company to provide any customer services through any system of electronic funds transfer at places other than bank premises;

(13) Purchase and hold stock in a corporation whose only purpose is to purchase, lease, hold or convey real property of a character which the bank or trust company holding stock in the corporation could itself purchase, lease, hold or convey pursuant to the provisions of paragraph (a) of subdivision (10) of this subsection; provided, the purchase and holding of the stock is first duly authorized by resolution of the board of directors of the bank or trust company and by the

written approval of the director, and that all of the shares of the corporation shall be purchased and held by the bank or trust company and shall not be sold or transferred except as a whole;

(14) Purchase and sell investment securities, without recourse, solely upon order and for the account of customers; and establish and maintain one or more mutual funds and offer to the public shares or participations therein. Any bank which engages in such activity shall comply with all provisions of chapter 409, RSMo, regarding the licensing and registration of sales personnel for mutual funds so offered, provided that such banks shall register as a broker-dealer with the office of the commissioner of securities and shall consent to supervision and inspection by that office and shall be subject to the continuing jurisdiction of that office;

(15) Make debt or equity investments in corporations or projects, whether for profit or not for profit, designed to promote the development of the community and its welfare, provided that the aggregate investment in all such corporations and in all such projects does not exceed five percent of the unimpaired capital of the bank, and provided that this limitation shall not apply to loans made under the authority of other provisions of law, and other provisions of law shall not limit this subdivision;

(16) Offer through one or more subsidiaries any products and services which a national bank may offer through its financial subsidiaries, subject to the limitations that are applicable to national bank financial subsidiaries, and provided such bank or trust company meets the division of finance safety and soundness considerations. This subdivision is enacted to provide in part competitive equality with national banks' powers under the Gramm-Leach-Bliley Act of 1999, Public Law 106-102.

2. In addition to the power and authorities granted in subsection 1 of this section, and notwithstanding any limitations therein, a bank or trust company may:

(1) [Invest up to its legal loan limit in a building or buildings suitable for the convenient conduct of its business, including, but not limited to, a building or buildings suitable for the convenient conduct of its functions, parking for bank, trust company and leasehold employees and customers and real property for landscaping. Revenue may be derived from renting or leasing a portion of the building or buildings and the contiguous real estate; provided that, such bank or trust company has assets of at least two hundred million dollars] **Purchase or lease, in an amount not exceeding its legal loan limit, real property and improvements thereto suitable for the convenient conduct of its functions. The bank may derive income from renting or leasing such real property or improvements or both. If the purchase or lease of such real property or improvements exceeds the legal loan limit or is from an officer, director, employee, affiliate, principal shareholder or a related interest of such person, prior approval shall be obtained from the director of finance;** and

(2) Loan money on real estate and handle escrows, settlements and closings on real estate for the benefit of the bank's customers, as a core part of the banking business, notwithstanding any other provision of law to the contrary.

3. In addition to the powers and authorities granted in subsection 1 of this section, every trust company created under the laws of this state shall be authorized and empowered to:

(1) Receive money in trust and to accumulate the same at such rate of interest as may be obtained or agreed upon, or to allow such interest thereon as may be prescribed or agreed;

(2) Accept and execute all such trusts and perform such duties of every description as may be committed to it by any person or persons whatsoever, or any corporation, and act as assignee, receiver, trustee and depository, and to accept and execute all such trusts and perform such duties of every description as may be committed or transferred to it by order, judgment or decree of any courts of record of this state or other states, or of the United States;

(3) Take, accept and hold, by the order, judgment or decree of any court of this state, or of any other state, or of the United States, or by gift, grant, assignment, transfer, devise or bequest of any person or corporation, any real or personal property in trust, and to execute and perform any and all the legal and lawful trusts in regard to the same upon the terms, conditions,

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limitations and restrictions which may be declared, imposed, established or agreed upon in and by the order, judgment, decree, gift, grant, assignment, transfer, devise or bequest;

(4) Buy, invest in and sell all kinds of stocks or other investment securities;

(5) Execute, as principal or surety, any bond or bonds required by law to be given in any proceeding, in law or equity, in any of the courts of this state or other states, or of the United States;

(6) Act as trustee, personal representative, or conservator or in any other like fiduciary capacity;

(7) Act as attorney-in-fact or agent of any person or corporation, foreign or domestic, in the management and control of real or personal property, the sale or conveyance of same, the investment of money, and for any other lawful purpose.

4. (1) In addition to the powers and authorities granted in this section, the director of finance may, from time to time, with the approval of the state banking board, issue orders granting such other powers and authorities as have been granted to financial institutions subject to the supervision of the federal government to:

(a) State-chartered banks and trust companies which are necessary to enable such banks and trust companies to compete;

(b) State-chartered banks and trust companies to establish branches to the same extent that federal law permits national banks to establish branches;

(c) Subsidiaries of state-chartered banks and trust companies to the same extent powers are granted to national bank subsidiaries to enable such banks and trust companies to compete;

(d) State-chartered banks and trust companies to establish trust representative offices to the same extent national banks are permitted such offices.

(2) The orders shall be promulgated as provided in section 361.105, RSMo, and shall not be inconsistent with the constitution and the laws of this state.

5. As used in this section, the term "subsidiary" shall include one or more business entities of which the bank or trust company is the owner, provided the owner's liability is limited by the investment in and loans to the subsidiary as otherwise provided for by law.

6. A bank or trust company to which authority is granted by regulation in subsection 4 of this section, based on the population of the political subdivision, may continue to exercise such authority for up to five years after the appropriate decennial census indicates that the population of the town in which such bank or trust company is located has exceeded the limits provided for by regulation pursuant to subsection 4 of this section.

**362.106. ADDITIONAL POWERS.** — In addition to the powers authorized by section 362.105:

(1) A bank or trust company may exercise all powers necessary, proper or convenient to effect any of the purposes for which the bank or trust company has been formed and any powers incidental to the business of banking;

(2) A bank or trust company may offer any direct and indirect benefits to a bank customer for the purpose of attracting deposits or making loans, provided said benefit is not otherwise prohibited by law, and the income or expense of such activity is nominal;

(3) Notwithstanding any other law to the contrary, every bank or trust company created under the laws of this state may, for a fee or other consideration, directly or through a subsidiary company, and upon complying with any applicable licensing statute, acquire and hold the voting stock of one or more corporations the activities of which are managing or owning agricultural property, owning and leasing governmental structures except as limited by other law, subdividing and developing real property and building residential housing or commercial improvements on such property, and owning, renting, leasing, managing, operating for income and selling such property; provided that, the total of all investments, loans and guarantees made pursuant to the authority of this subdivision shall not exceed five percent of the total assets of the bank or trust company as shown on the next preceding published report of such bank or trust company to the

director of finance, **or obtained by the director pursuant to subsection 3 of section 361.130, RSMo**, unless the director of the division of finance approves a higher percentage by regulation, but in no event shall such percentage exceed that allowed national banks by the appropriate regulatory authority, and, in addition to the investments permitted by this subdivision, a bank or trust company may extend credit, not to exceed the lending limits of section 362.170, to each of the corporations in which it has invested. No provision of this section authorizes a bank, **nondepository trust company**, or trust company to own or operate, directly or through a subsidiary company, a real estate brokerage company;

(4) Notwithstanding any other law to the contrary except for bank regulatory powers in chapter 361, RSMo, powers incidental to the business of banking shall include the authority of every Missouri bank, for a fee or other consideration, and upon complying with any applicable licensing and registration law, to conduct any activity that national banks are expressly authorized by federal law to conduct, if such Missouri bank meets the prescribed standards, provided that powers conferred by this subdivision:

(a) Shall always be subject to the same limitations applicable to a national bank for conducting the activity;

(b) Shall be subject to applicable Missouri insurance law;

(c) Shall be subject to applicable Missouri licensing and registration law for the activity;

(d) Shall be subject to the same treatment prescribed by federal law; and any enabling federal law declared invalid by a court of competent jurisdiction or by the responsible federal chartering agency shall be invalid for the purposes of this subdivision; and

(e) May be exercised by a Missouri bank after that institution has notified the director of its intention to exercise such specific power at the close of the notice period and the director, in response, has made a determination that the proposed activity is not an unsafe or unsound practice and such institution meets the prescribed standards required for the activity permitted national banks in the interpretive letter. The director may either take no action or issue an interpretive letter to the institution more specifically describing the activity permitted, and any limitations on such activity. The notice provided by the institution requesting such activity shall include copies of the specific law authorizing the power for national banks, and documentation indicating that such institution meets the prescribed standards. The notice period shall be thirty days but the director may extend it for an additional sixty days. After a determination has been made authorizing any activity pursuant to this subdivision, any Missouri bank may exercise such power as provided in subdivision (5) of this section without giving notice;

(5) When a determination is made pursuant to paragraph (e) of subdivision (4) of this section, the director shall issue a public interpretative letter or statement of no action regarding the specific power authorized pursuant to subdivision (4) of this section; such interpretative letters and statements of no action shall be made with the name of the specific institution and related identifying facts deleted. Such interpretative letters and statements of no action shall be published on the division of finance public Internet web site, and filed with the office of the secretary of state for ten days prior to effectiveness. Any other Missouri bank may exercise any power approved by interpretative letter or statement of no action of the director pursuant to this subdivision; provided, the institution meets the requirements of the interpretative letter or statement of no action and the prescribed standards required for the activity permitted national banks in the interpretive letter. Such Missouri bank shall not be required to give the notice pursuant to paragraph (e) of subdivision (4) of this section. For the purposes of this subdivision and subdivision (4) of this section, "activity" shall mean the offering of any product or service or the conducting of any other activity; "federal law" shall mean any federal statute or regulation or an interpretive letter issued by the Office of the Comptroller of the Currency; "Missouri bank" shall mean any bank or trust company created pursuant to the laws of this state.

**362.111. FEES AND SERVICE CHARGES PERMITTED, WHEN, CONDITIONS. — A bank or trust company may impose fees or service charges on deposit accounts; however, such**

fees or service charges are subject to such conditions or requirements that may be fixed by regulations pursuant to section 361.105, RSMo, by the director of the division of finance and the state banking board. Notwithstanding any law to the contrary, no such condition or requirement shall be more restrictive than the fees or service charges on deposit accounts or similar accounts permitted any federally chartered depository institution.

**362.170. UNIMPAIRED CAPITAL, DEFINED — RESTRICTIONS ON LOANS, AND TOTAL LIABILITY TO ANY ONE PERSON. —** 1. As used in this section, the term "unimpaired capital" includes common and preferred stock, capital notes, the surplus fund, undivided profits and any reserves, not subject to known charges as shown on the next preceding published report of the bank or trust company to the director of finance **or obtained by the director pursuant to subsection 3 of section 361.130, RSMo. For purposes of lending limitations, goodwill may comprise no more than ten percent of unimpaired capital.**

2. No bank or trust company subject to the provisions of this chapter shall:

(1) Directly or indirectly, lend to any individual, partnership, corporation, limited liability company or body politic, either by means of letters of credit, by acceptance of drafts, or by discount or purchase of notes, bills of exchange, or other obligations of the individual, partnership, corporation, limited liability company or body politic an amount or amounts in the aggregate which will exceed the greater of: (i) twenty-five percent of the unimpaired capital of the bank or trust company, provided such bank or trust company has a composite rating of 1 or 2 under the Capital, Assets, Management, Earnings, Liquidity and Sensitivity (CAMELS) rating system of the Federal Financial Institute Examination Counsel (FFIEC); (ii) fifteen percent of the unimpaired capital of the bank or trust company if located in a city having a population of one hundred thousand or over; twenty percent of the unimpaired capital of the bank or trust company if located in a city having a population of less than one hundred thousand and over seven thousand; and twenty-five percent of the unimpaired capital of the bank or trust company if located elsewhere in the state, with the following exceptions:

(a) The restrictions in this subdivision shall not apply to:

a. Bonds or other evidences of debt of the government of the United States or its territorial and insular possessions, or of the state of Missouri, or of any city, county, town, village, or political subdivision of this state;

b. Bonds or other evidences of debt, the issuance of which is authorized under the laws of the United States, and as to which the government of the United States has guaranteed or contracted to provide funds to pay both principal and interest;

c. Bonds or other evidences of debt of any state of the United States other than the state of Missouri, or of any county, city or school district of the foreign state, which county, city, or school district shall have a population of fifty thousand or more inhabitants, and which shall not have defaulted for more than one hundred twenty days in the payment of any of its general obligation bonds or other evidences of debt, either principal or interest, for a period of ten years prior to the time of purchase of the investment and provided that the bonds or other evidences of debt shall be a direct general obligation of the county, city, or school district;

d. Loans to the extent that they are insured or covered by guaranties or by commitments or agreements to take over or purchase made by any department, bureau, board, commission, or establishment of the United States or of the state of Missouri, including any corporation, wholly owned, directly or indirectly, by the United States or of the state of Missouri, pursuant to the authority of any act of Congress or the Missouri general assembly heretofore or hereafter adopted or amended or pursuant to the authority of any executive order of the President of the United States or the governor of Missouri heretofore or hereafter made or amended under the authority of any act of Congress heretofore or hereafter adopted or amended, and the part of the loan not so agreed to be purchased or discounted is within the restrictive provisions of this section;

e. Obligations to any bank or trust company in the form of notes of any person, copartnership, association, corporation or limited liability company, secured by not less than a like amount of direct obligations of the United States which will mature in not exceeding five years from the date the obligations to the bank are entered into;

f. Loans to the extent they are secured by a segregated deposit account in the lending bank if the lending bank has obtained a perfected security interest in such account;

g. Evidences of debt which are direct obligations of, or which are guaranteed by, the Government National Mortgage Association, the Federal National Mortgage Association, the Student Loan Marketing Association, the Federal Home Loan Banks, the Federal Farm Credit Bank or the Federal Home Loan Mortgage Corporation, or evidences of debt which are fully collateralized by direct obligations of, and which are issued by, the Government National Mortgage Association, the Federal National Mortgage Association, the Student Loan Marketing Association, a Federal Home Loan Bank, the Federal Farm Credit Bank or the Federal Home Loan Mortgage Corporation;

(b) The total liabilities to the bank or trust company of any individual, partnership, corporation or limited liability company may equal but not exceed thirty-five percent of the unimpaired capital of the bank or trust company; provided, that all of the total liabilities in excess of the legal loan limit of the bank or trust company as defined in this subdivision are upon paper based upon the collateral security of warehouse receipts covering agricultural products or the manufactured or processed derivatives of agricultural products in public elevators and public warehouses subject to state supervision and regulation in this state or in any other state of the United States, under the following conditions: first, that the actual market value of the property held in store and covered by the receipt shall at all times exceed by at least fifteen percent the amount loaned upon it; and second, that the property covered by the receipts shall be insured to the full market value thereof against loss by fire and lightning, the insurance policies to be issued by corporations or individuals licensed to do business by the state in which the property is located, and when the insurance has been used to the limit that it can be secured, then in corporations or with individuals licensed to do an insurance business by the state or country of their incorporation or residence; and all policies covering property on which the loan is made shall have endorsed thereon, "loss, if any, payable to the holder of the warehouse receipts"; and provided further, that in arriving at the amount that may be loaned by any bank or trust company to any individual, partnership, corporation or limited liability company on elevator or warehouse receipts there shall be deducted from the thirty-five percent of its unimpaired capital the total of all other liabilities of the individual, partnership, corporation or limited liability company to the bank or trust company;

(c) In computing the total liabilities of any individual to a bank or trust company there shall be included all liabilities to the bank or trust company of any partnership of which the individual is a member, and any loans made for the individual's benefit or for the benefit of the partnership; of any partnership to a bank or trust company there shall be included all liabilities of and all loans made for the benefit of the partnership; of any corporation to a bank or trust company there shall be included all loans made for the benefit of the corporation and of any limited liability company to a bank or trust company there shall be included all loans made for the benefit of the limited liability company;

(d) The purchase or discount of drafts, or bills of exchange drawn in good faith against actually existing values, shall not be considered as money borrowed within the meaning of this section; and the purchase or discount of negotiable or nonnegotiable paper which carries the full recourse endorsements or guaranty or agreement to repurchase of the person, copartnership, association, corporation or limited liability company negotiating the same, shall not be considered as money borrowed by the endorser or guarantor or the repurchaser within the meaning of this section, provided that the files of the bank or trust company acquiring the paper contain the written certification by an officer designated for this purpose by its board of directors that the

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responsibility of the makers has been evaluated and the acquiring bank or trust company is relying primarily upon the makers thereof for the payment of the paper;

(e) For the purpose of this section, a loan guaranteed by an individual who does not receive the proceeds of the loan shall not be considered a loan to the guarantor;

(f) Investments in mortgage-related securities, as described in the Secondary Mortgage Market Enhancement Act of 1984, P.L. 98-440, excluding those described in subparagraph g. of paragraph (a) of subdivision (1) of this subsection, shall be subject to the restrictions of this section, provided that a bank or trust company may invest up to two times its legal loan limit in any such securities that are rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization;

(2) Nor shall any of its directors, officers, agents, or employees, directly or indirectly purchase or be interested in the purchase of any certificate of deposit, pass book, promissory note, or other evidence of debt issued by it, for less than the principal amount of the debt, without interest, for which it was issued. Every bank or trust company or person violating the provisions of this subdivision shall forfeit to the state the face value of the note or other evidence of debt so purchased;

(3) Make any loan or discount on the security of the shares of its own capital stock, or be the purchaser or holder of these shares, unless the security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith, and stock so purchased or acquired shall be sold at public or private sale, or otherwise disposed of, within six months from the time of its purchase or acquisition unless the time is extended by the finance director. Any bank or trust company violating any of the provisions of this subdivision shall forfeit to the state the amount of the loan or purchase;

(4) Knowingly lend, directly or indirectly, any money or property for the purpose of enabling any person to pay for or hold shares of its stock, unless the loan is made upon security having an ascertained or market value of at least fifteen percent more than the amount of the loan. Any bank or trust company violating the provision of this subdivision shall forfeit to the state the amount of the loan;

(5) No salaried officer of any bank or trust company shall use or borrow for himself or herself, directly or indirectly, any money or other property belonging to any bank or trust company of which the person is an officer, in excess of ten percent of the unimpaired capital of the bank or trust company, nor shall the total amount loaned to all salaried officers of any bank or trust company exceed twenty-five percent of the unimpaired capital of the bank or trust company. Where loans and a line of credit are made to salaried officers, the loans and line of credit shall first be approved by a majority of the board of directors or of the executive or discount committee, the approval to be in writing and the officer to whom the loans are made, not voting. The form of the approval shall be as follows:

We, the undersigned, constituting a majority of the ..... of the ..... (bank or trust company), do hereby approve a loan of \$..... or a line of credit of \$....., or both, to ....., it appearing that the loan or line of credit, or both, is not more than 10 percent of the unimpaired capital of ..... (bank or trust company); it further appearing that the loan (money actually advanced) will not make the aggregate of loans to salaried officers more than 25 percent of the unimpaired capital of the bank or trust company.

.....  
 .....  
 .....  
 .....

Dated this ..... day of ....., 20....

Provided, if the officer owns or controls a majority of the stock of any other corporation, a loan to that corporation shall be considered for the purpose of this subdivision as a loan to the officer. Every bank or trust company or officer thereof knowingly violating the provisions of this subdivision shall, for each offense, forfeit to the state the amount lent;

(6) Invest or keep invested in the stock of any private corporation, provided however, a bank or trust company may invest in equity stock in the Federal Home Loan Bank up to twice the limit described in subdivision (1) of this subsection and except as otherwise provided in this chapter.

3. Provided, that the provisions in this section shall not be so construed as in any way to interfere with the rules and regulations of any clearinghouse association in this state in reference to the daily balances; and provided, that this section shall not apply to balances due from any correspondent subject to draft.

4. Provided, that a trust company which does not accept demand deposits shall be permitted to make loans secured by a first mortgage or deed of trust on real estate to any individual, partnership, corporation or limited liability company, and to deal and invest in the interest-bearing obligations of any state, or any city, county, town, village, or political subdivision thereof, in an amount not to exceed its unimpaired capital, the loans on real estate not to exceed sixty-six and two-thirds percent of the appraised value of the real estate.

5. Any officer, director, agent, clerk, or employee of any bank or trust company who willfully and knowingly makes or concurs in making any loan, either directly or indirectly, to any individual, partnership, corporation or limited liability company or by means of letters of credit, by acceptance of drafts, or by discount or purchase of notes, bills of exchange or other obligation of any person, partnership, corporation or limited liability company, in excess of the amounts set out in this section, shall be deemed guilty of a class C felony.

6. A trust company in existence on October 15, 1967, or a trust company incorporated thereafter which does not accept demand deposits, may invest in but shall not invest or keep invested in the stock of any private corporation an amount in excess of fifteen percent of the capital and surplus fund of the trust company; provided, however, that this limitation shall not apply to the ownership of the capital stock of a safe deposit company as provided in section 362.105; nor to the ownership by a trust company in existence on October 15, 1967, or its stockholders of a part or all of the capital stock of one bank organized under the laws of the United States or of this state, nor to the ownership of a part or all of the capital of one corporation organized under the laws of this state for the principal purpose of receiving savings deposits or issuing debentures or loaning money on real estate or dealing in or guaranteeing the payment of real estate securities, or investing in other securities in which trust companies may invest under this chapter; nor to the continued ownership of stocks lawfully acquired prior to January 1, 1915, and the prohibition for investments in this subsection shall not apply to investments otherwise provided by law other than subdivision (4) of subsection 3 of section 362.105.

7. Any bank or trust company to which the provisions of subsection 2 of this section apply may continue to make loans pursuant to the provisions of subsection 2 of this section for up to five years after the appropriate decennial census indicates that the population of the city in which such bank or trust company is located has exceeded the limits provided in subsection 2 of this section.

**362.295. REPORTS TO DIRECTOR — PUBLICATION — PENALTY. —** 1. Within ten days after service upon it of the notice provided for by section 361.130, RSMo, every bank and trust company shall make a written report to the director, which report shall be in the form and shall contain the matters prescribed by the director and shall specifically state the items of capital, deposits, specie and cash items, public securities and private securities, real estate and real estate securities, and such other items as may be necessary to inform the public as to the financial condition and solvency of the bank or trust company, or which the director may deem proper to include therein. **In lieu of requiring direct filing of reports of condition, the director may accept reports of condition or their equivalent as filed with federal regulatory agencies and may require verification and the filing of supplemental information as the director deems necessary.**

2. Every report shall be verified by the oaths of the president or vice president and cashier or secretary or assistant cashier or assistant secretary, and the verification shall state that the report is true and correct in all respects to the best of the knowledge and belief of the persons verifying it, and the report shall be attested by three directors, and shall be a report of the actual condition of the bank or trust company at the close of business on the day designated and which day shall be prior to the call. **If the director of finance obtains the data pursuant to subsection 3 of section 361.130, RSMo, the director may rely on the verification provided to the federal regulatory agency.**

3. Every report, exclusive of the verification, shall, within thirty days after it shall have been filed with the director, be published by the bank or trust company in one newspaper of the place where its place of business is located, or if no newspaper is published there, in a newspaper of general circulation in the town and community in which the bank or trust company is located; the newspaper to be designated by the board of directors and a copy of the publication, with the affidavit of the publisher thereto, shall be attached to the report; provided, if the bank or trust company is located in a town or city having a population exceeding ten thousand inhabitants, then the publication must be in a daily newspaper, if published in that city; but if the bank or trust company is located in a town or city having a population of ten thousand inhabitants or less, then the publication may be in either a daily or weekly newspaper published in the town or city as aforesaid; and in all cases a copy of the statement shall be posted in the banking house accessible to all.

4. The bank and trust company shall also make such other special reports to the director as he may from time to time require, in such form and at such date as may be prescribed by him, and the report shall, if required by him, be verified in such manner as he may prescribe.

5. If the bank or trust company shall fail to make any report required by this section on or before the day designated for the making thereof, or shall fail to include therein any matter required by the director, the bank or trust company shall forfeit to the state the sum of one hundred dollars for every day that the report shall be delayed or withheld, and for every day that it shall fail to report any omitted matter, unless the time therefor shall have been extended by the director. Should any president, cashier or secretary of the bank or trust company or any director thereof fail to make the statement so required of him or them, or willfully and corruptly make a false statement, he or they, and each of them, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, upon information, punished by a fine for each offense not exceeding five hundred dollars and not less than one hundred dollars, or by imprisonment not less than one or more than twelve months in the city or county jail, or by both such fine and imprisonment.

6. A bank or trust company may provide each written report required to be published free of charge to the public; and when each bank or trust company notifies their customers that such information is available; and when one copy of such information is available to each person that requests it, the newspaper publication provisions of this section shall not be enforced against such bank or trust company.

**362.910. DEFINITIONS.** — As used in sections 362.910 to 362.940, [except for section 362.925,] unless the context clearly indicates otherwise, the following terms mean:

(1) "Bank", any bank, trust company or national banking association which accepts demand deposits and makes loans, and which has its principal banking house in Missouri and a branch of any bank, trust company or national banking association which accepts demand deposits and which has a physical presence in Missouri, other than a branch located outside of Missouri;

(2) "Bank holding company", any company which has control over any bank or over any company that is a bank holding company;

(3) "Company", any corporation, partnership, business trust, association, or similar organization, or any other trust unless by its terms it must terminate within twenty-five years or not later than twenty-one years and ten months after the death of individuals living on the

effective date of the trust, but shall not include any corporation the majority of the shares of which are owned by the United States or by any state;

(4) "Control", a company has control over a bank, **trust company**, or company if:

(a) The company directly or indirectly or acting through one or more other persons owns, controls, or has power to vote twenty-five percent or more of any class of voting securities of the bank or company;

(b) The company controls in any manner the election of a majority of the directors or trustees of the bank or company; or

(c) The company directly or indirectly exercises a controlling influence over the management or policies of the bank or company;

(d) Provided, however, no company shall be deemed to have control over a bank or a company by virtue of its ownership or control of shares acquired by it in connection with its underwriting of securities and which are held only for such period of time as will permit the sale thereof upon a reasonable basis, or which is formed for the sole purpose of participating in a proxy solicitation, or which acquires ownership or control of shares in securing or collecting a debt previously contracted in good faith, until two years after the date of acquisition, or which acquires ownership or control of shares in a fiduciary capacity. For the purpose of sections 362.910 to 362.940, bank shares shall not be deemed to have been acquired in a fiduciary capacity if the acquiring bank or company in its capacity as trustee of a trust has sole discretionary authority to exercise voting rights with reference thereto; except that this limitation is applicable in the case of a bank or company which acquired such shares prior to December 31, 1970, only if the bank or company had the right consistent with its obligations under the instrument, agreement, or other arrangement establishing the trust relationship to divest itself of such voting rights and failed to exercise that right to divest prior to December 31, 1971;

(5) "Director" or "director of finance", the director of the division of finance of the department of economic development;

(6) **"Trust holding company", any company which has control over any trust company or over any company that is a trust holding company.**

**362.923. BANK HOLDING COMPANIES, EXAMINATION OF, WHEN — CONSIDERED NEW BUSINESS ENTITY, WHEN. — 1.** The director of the division of finance may enter into cooperative and reciprocal agreements with the federal reserve banks for periodic examination of bank holding companies on a joint or alternating basis, but, except in extraordinary situations, no such agreements may be concluded which would result in a bank holding company being examined more frequently than once every twelve months. The director may accept reports of examination and other exchanges of information from such agencies in lieu of conducting his own examinations and compiling his own reports, and may provide reports of examination and other information to such agencies.

**2. A trust holding company or a company formed to be a trust holding company, as hereinafter described, is a new business entity under Missouri law and is not subject to federal reserve examination. The director of the division of finance shall contract with the parties that charter such entity to obtain safety and soundness authority as a condition for such entity's acquisition of a trust company. To simplify such process:**

(1) A trust holding company or a company formed to be a trust holding company which seeks to acquire control of any nondepository trust company shall file an application with the division of finance;

(2) The director shall determine if the proposed acquisition of a nondepository trust company by a trust holding company is consistent with the interests of promoting and maintaining sound trust companies;

(3) The director may issue an order approving or disapproving the proposed acquisition of a nondepository trust company by a trust holding company and may

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present, enforce, advocate, or defend the order in any judicial or administrative proceeding; and

(4) The director may examine and investigate any trust holding company as appropriate or necessary to carry out the director's duties. The director may enter into cooperative and reciprocal agreements with federal and state regulatory authorities appropriate to such functions and may share reports and information or pursue joint actions or concurrent jurisdiction with federal and state regulatory authorities.

**369.159. FEE OR SERVICE CHARGE AUTHORIZED.** — [An association may make a service charge on accounts subject to such conditions or requirements as may be fixed by regulations of the director of the division of finance. No limitation shall be placed upon service charges on NOW accounts.] **An association may impose fees or service charges on accounts; however, such fees or service charges are subject to such conditions or requirements that may be fixed by regulations pursuant to section 369.301 by the director of the division of finance and the state savings and loan commission. Notwithstanding any law to the contrary, no such condition or requirement shall be more restrictive than the fees or service charges on deposit accounts or similar accounts permitted any federally chartered depository institution.**

**370.171. FEE OR SERVICE CHARGE AUTHORIZED.** — **A credit union may impose fees or service charges on deposit accounts or similar accounts; however, such fees or service charges are subject to such conditions or requirements that may be fixed by regulations pursuant to this chapter by the director of credit union supervision and the credit union commission. Notwithstanding any law to the contrary, no such condition or requirement shall be more restrictive than the fees or service charges on deposit accounts or similar accounts permitted any federally chartered depository institution.**

**400.9-525. FEES.** — (a) Except as otherwise provided in subsection (e), the fee for filing and indexing a record under this part, other than an initial financing statement of the kind described in section 400.9-502(c), is:

(1) If the filing office is the secretary of state's office, then twelve dollars for the first page and one dollar for each subsequent page if the record is communicated in writing, or **five dollars** by [another] **an electronic** medium authorized by filing-office rule[, of which fee seven dollars is received and collected by the secretary of state on behalf of the counties of this state for deposit in the uniform commercial code transition fee trust fund]; or

(2) If the filing office is other than the secretary of state's office, then the fee otherwise allowed by law.

(b) Except as otherwise provided in subsection (e), the fee for filing and indexing an initial financing statement of the kind described in section 400.9-502(c) is:

(1) If the filing office is the secretary of state's office, then twelve dollars for the first page and one dollar for each subsequent page if the record is communicated in writing, or **five dollars** by [another] **an electronic** medium authorized by filing-office rule[, of which fee seven dollars is received and collected by the secretary of state on behalf of the counties of this state for deposit in the uniform commercial code transition fee trust fund]; or

(2) If the filing office is other than the secretary of state's office, then the fee otherwise allowed by law.

(c) The number of names required to be indexed does not affect the amount of the fee in subsections (a) and (b).

(d) The fee for responding to a request for information from the filing office, including for communicating whether there is on file any financing statement naming a particular debtor, is:

(1) If the filing office is the secretary of state's office, then twenty-two dollars for the first page and one dollar for each subsequent page if the record is communicated in writing or by

another medium authorized by filing-office rule[, of which fee seven dollars is received and collected by the secretary of state on behalf of the counties of this state for deposit in the uniform commercial code transition fee trust fund]; or

(2) If the filing office is other than the secretary of state's office, then the fee otherwise allowed by law.

(e) This section does not require a fee with respect to a record of a mortgage which is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under section 400.9-502(c). However, the recording and satisfaction fees that otherwise would be applicable to the record of the mortgage apply.

(f) [The department of revenue shall administer a special trust fund, which is hereby established, to be known as the "Uniform Commercial Code Transition Fee Trust Fund", and which shall be funded by seven dollars of each of the fees received and collected pursuant to subdivisions (a), (b) and (d) of this section on behalf of the counties of this state for deposit in the uniform commercial code transition fee trust fund.

(1) The secretary of state shall keep and provide to the department of revenue and the county employees' retirement fund an accurate record of the moneys to be deposited in the uniform commercial code transition fee trust fund allocated to each county and city not within a county on the basis of where such record, financing statement or other document would have been filed prior to July 1, 2001, and the department of revenue shall distribute the moneys pursuant to subdivision (2) of this subsection on that basis.

(2) The moneys in the uniform commercial code transition fee trust fund shall be distributed to the county employees' retirement fund established pursuant to section 50.1010, RSMo, or the general revenue fund of any charter county or city not within a county whose employees are not members of the county employees' retirement fund.

(3) The moneys in the uniform commercial code transition fee trust fund shall be deemed to be nonstate funds, as defined in section 15 of article IV of the Missouri Constitution, to be administered by the department of revenue, provided, however that interest, if any, earned by the money in the trust fund shall be deposited into the general revenue fund in the state treasury.]

**The provisions of this section shall become effective on September 1, 2003.**

**407.433. PROTECTION OF CREDIT CARD AND DEBIT CARD ACCOUNT NUMBERS, PROHIBITED ACTIONS, PENALTY, EXCEPTIONS—EFFECTIVE DATE, APPLICABILITY.** — 1. No person, other than the cardholder, shall:

(1) Disclose more than the last five digits of a credit card or debit card account number on any sales receipt **provided to the cardholder** for merchandise sold in this state;

(2) Use a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a credit or debit card without the permission of the cardholder and with the intent to defraud any person, the issuer, or a merchant; or

(3) Use a reencoder to place information encoded on the magnetic strip or stripe of a credit or debit card onto the magnetic strip or stripe of a different card without the permission of the cardholder from which the information is being reencoded and with the intent to defraud any person, the issuer, or a merchant.

2. Any person who knowingly violates this section is guilty of an infraction and any second or subsequent violation of this section is a class A misdemeanor.

3. It shall not be a violation of subdivision (1) of subsection 1 of this section if:

(1) The sole means of recording the credit card number or debit card number is by handwriting or, prior to January 1, 2005, by an imprint of the credit card or debit card; and

(2) For handwritten or imprinted copies of credit card or debit card receipts, only the merchant's copy of the receipt lists more than the last five digits of the account number.

4. This section shall become effective on January 1, 2003, and applies to any cash register or other machine or device that prints or imprints receipts of credit card or debit card transactions

and which is placed into service on or after January 1, 2003. Any cash register or other machine or device that prints or imprints receipts on credit card or debit card transactions and which is placed in service prior to January 1, 2003, shall be subject to the provisions of this section on or after January 1, 2005.

**408.455. VARIABLE RATE AGREEMENTS SUBJECT TO CERTAIN PROVISIONS.** — All contracts or agreements **originally** subject to [section] **sections 408.450 to 408.470, existing on August 28, 2003,** shall [also be] **remain** subject to the provisions of sections 408.140, 408.150, 408.160 and 408.550 to 408.562, **even if the contract or agreement is converted into another form of credit.**

**[408.450. VARIABLE RATE AGREEMENT BY PARTIES, REQUIREMENT, LIMITATION — ACCOUNT FLUCTUATION, WHEN — NOT APPLICABLE TO CREDIT CARDS — INTEREST, HOW COMPUTED — PREPAYMENT PENALTIES, PROHIBITED.** — 1. Notwithstanding the provisions of any other law, the parties to any written contract may agree to and stipulate for any rate per annum of interest time charge or time price differential not in excess of twenty-four percent per annum that does not exceed for any calendar period, as set forth in subsections 2 and 3 of this section, the average auction rate quoted on a nominal discount basis by the Federal Reserve Board for twenty-six-week treasury bills for the preceding auction, multiplied by two; however, if the preceding auction shall fall on the last day of the preceding month, then the rate shall be determined by the next preceding auction.

2. All open-end accounts shall fluctuate no more often than monthly and no less often than quarterly.

3. All closed-end accounts shall fluctuate no more often than quarterly and no less than annually; and only one formula and one index shall be used to determine the rate or time price differential for any one closed-end account.

4. This section shall not apply to open-end credit under which a credit card has been issued or any extension of credit made pursuant to sections 408.250 to 408.370.

5. Interest or time price differential on contracts subject to sections 408.450 to 408.467 shall be computed on a simple interest basis.

6. There shall be no prepayment penalty on any contract subject to sections 408.450 to 408.467.

7. No creditor shall refuse credit to a person solely because of his refusal to accept the provisions of sections 408.450 to 408.467.

8. The amount of regular, periodic payments on closed-end accounts shall not be changed, but the total number of payments due may be increased or decreased as a result of changes in the rate.]

**[408.460. OPEN-END CONTRACT, WITH VARIABLE RATE — DISCLOSURES REQUIRED TO BE GIVEN OBLIGOR — RIGHT OF TERMINATION, REJECTION OF NEW RATE BY OBLIGOR, EFFECT.** — 1. If an open-end contract provides for or is amended to provide for, pursuant to section 408.450, a variable rate or amount according to any index, formula or provision of law disclosed to the obligor, the applicable rate ceiling is the ceiling as disclosed to the obligor. The monthly or quarterly ceiling shall be adjusted in accordance with and limited by section 408.450.

2. In any open-end account, the creditor may provide in the agreement covering the open-end account, or may amend the agreement to provide that the terms, including the formula used to determine the rate on the open-end account, will be subject to revision as to current and future balances, from time to time, by notice from the creditor to the obligor. Any creditor revising an open-end account pursuant to sections 408.450 to 408.467 shall disclose in the notice:

- (1) The new formula to be used in computing the rate;
- (2) The date on which the new rate formula will become effective;

(3) Whether the rate shall change monthly or quarterly and whether or not it will affect current as well as future balances;

(4) The obligor's rights under this section and the procedures for the obligor to exercise those rights;

(5) The address to which the obligor may send notification of the obligor's election not to continue the open-end account. If the amendment increases the rate, the notice shall contain the following printed in not less than 10-point bold-face type or equivalent: "YOU MAY TERMINATE THIS ACCOUNT IF YOU DO NOT WISH TO PAY THE NEW RATE."

3. With a notice required by subsection 2 of this section, the creditor shall include a form which may be returned at the expense of the creditor and on which the obligor may indicate his decision to terminate the account by checking or marking an appropriate box, or similar arrangement. The form may be included on a portion of the account statement to be returned to the creditor or on a separate sheet. Any obligor who is mailed a notice required by subsection 2 of this section, addressed to the obligor's last known address as shown by the creditor's records, is considered to have agreed to the revision if the obligor, or a person authorized by the obligor, after the expiration of five days after the notice is mailed, accepts or uses any extensions of credit or if the obligor elects to retain the privilege of using the open-end account. Such an election is considered to have occurred unless the obligor notifies the creditor in writing before the twenty-first day after the date on which the notice is sent that the obligor does not wish to continue the open-end account. The parties may also amend the contract by any other means permitted by any applicable law. Any obligor who rejects a rate change in accordance with this section has the right to pay off the then existing balance on the open-end account at the rate, and over the time period, in effect prior to the change, and at the same minimum payment terms previously agreed to, unless the obligor agrees to the new rates in accordance with this section. Rejection of the new rates may constitute termination of the account at the lender's option; however, the lender may not, in absence of an existing delinquency, accelerate the balance due.]

**[408.465. CEILING COMPUTATION — INFORMATION TO COMPUTE UNAVAILABLE, DUTY OF LENDER, EFFECT.]** — 1. If the furnishing of any of the information required to compute the ceiling is discontinued so that it is no longer available to the lender from the Federal Reserve Board on a timely basis, the lender shall obtain that information from reliable sources satisfactory to the commissioner of finance.

2. If the information required to compute a ceiling is not available, then that ceiling remains at the level at which it was when the information became available until the information again becomes available.]

**[408.467. RENEWAL OR EXTENSION OF CONTRACT, MAXIMUM RATE.]** — The maximum rate on any contract to renew or extend the terms of payment of any indebtedness made pursuant to sections 408.450 to 408.465 is the applicable ceiling allowed by sections 408.450 to 408.465 for a contract entered at the time the renewal or extension is made or agreed to.]

**[408.470. CERTAIN LOANS AND TIME PRICE SALES LAW NOT APPLICABLE.]** — Sections 408.450 to 408.467 shall not apply to any loans or time price sales on which the rate of interest or time price differential charged is lawful without regard to the rates permitted in section 408.450.]

**[408.653. FEE LIMITATIONS, OVERDRAFTS.]** — 1. A depository institution including any state or federally chartered bank, credit union, savings and loan association or any similar institution may charge no more than fifteen dollars as an overdraft charge or as a charge for a check, draft or similar sight order returned for insufficient or uncollected funds.

2. Any person to whom a check, draft, order or like instrument is tendered may, if such instrument is dishonored or returned unpaid for any reason, charge and collect from the maker

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or drawer, or the person for whose benefit such instrument was given, the amount of twenty dollars plus an amount equal to the actual charge by the depository institution for the return of each unpaid or dishonored instrument. No such charge will be considered interest, finance charge, time price differential or anything of a similar nature for purposes of any statute in this state.]

**[408.654. OVERDRAFT CHARGE, AMOUNT.** — Notwithstanding any other provisions of law to the contrary, a depository institution, including any state or federally chartered bank, credit union, savings and loan association or similar institution, may charge up to twenty dollars as an overdraft charge when the check, draft or similar sight order is presented for the first time to the depository institution and the depository institution pays such check, draft or similar sight order upon presentation or up to fifteen dollars as a charge for a check, draft or similar sight order returned because the customer has insufficient or uncollected funds in the customer's depository institution account.]

Approved May 8, 2003

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#### HB 228 [CCS SCS HS HCS HB 228]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Establishes a list of persons who object to receiving unsolicited e-mail.**

AN ACT to amend chapter 407, RSMo, by adding thereto four new sections relating to unsolicited commercial electronic mail, with penalty provisions.

#### SECTION

- A. Enacting clause.
- 407.1135. Definitions.
- 407.1144. Prohibited acts — rulemaking authority, attorney general.
- 407.1147. Attorney general to initiate proceedings for violation — penalties — defenses — action barred, when.
- 573.052. Child pornography, attorney general authorized to investigate, when — violator immune from civil liability, when.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 407, RSMo, is amended by adding thereto four new sections, to be known as sections 407.1135, 407.1144, 407.1147, and 573.052, to read as follows:

**407.1135. DEFINITIONS.** — As used in sections 407.1135 to 407.1147, the following words and phrases mean:

- (1) "Commercial electronic mail", an electronic mail message sent for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services;
- (2) "Electronic mail address", a destination, commonly expressed as a sequence of characters, to which commercial electronic mail may be sent or delivered;
- (3) "Established business relationship", an existing relationship formed by a voluntary communication between a person or entity and the recipient with or without an exchange of consideration, on the basis of an inquiry, application, purchase, or use by the recipient regarding products or services offered by such person or entity;

(4) "Initiate the transmission", the action by the original sender of an unsolicited commercial electronic mail solicitation that results in receipt by a subscriber of that solicitation, including commercial electronic mail received by a subscriber which was sent by a third party at the request of or direction of the original sender;

(5) "Subscriber", any person, corporation, partnership, or other entity who has subscribed to an interactive computer service and has been designated with one or more electronic mail addresses;

(6) "Unsolicited commercial electronic mail", a commercial electronic mail message sent without the consent of the recipient, by a person with whom the recipient does not have an established business relationship, other than:

(a) A commercial electronic mail message responding to an inquiry from a subscriber who has requested further information and provided a commercial electronic mail address;

(b) A commercial electronic mail message initiated by a person licensed by the state of Missouri to carry out a trade, occupation, or profession who is setting or attempting to set an appointment for actions related to that licensed trade, occupation, or profession;

(c) A commercial electronic mail message sent to a subscriber that was in an established business relationship with the sender, including a parent or subsidiary business organization of the sender that shares the same brand name, within the previous twenty-four months unless the recipient requests to be removed from the entity's electronic mail list in accordance with section 407.1123;

(d) A commercial electronic mail communication sent to a subscriber from an original sender which is a bank, farm credit service, or credit union shall not be considered unsolicited commercial electronic mail for purposes of section 407.1135 to 407.1147;

(e) A commercial electronic mail message that is sent to a subscriber from an original sender who has a personal relationship with the subscriber; or

(f) A commercial electronic mail message from the original sender that is indirectly received by a subscriber when another subscriber voluntarily forwards that communication without the knowledge of the original sender and without any consideration provided by the original sender to the subscriber forwarding the communication.

**407.1144. PROHIBITED ACTS — RULEMAKING AUTHORITY, ATTORNEY GENERAL. —**

1. It shall be a violation of this section for any person or entity who initiates the transmission of any commercial electronic mail message to any subscriber in this state to provide a false identity or false or misleading information in the subject line.

2. It shall be a violation of this section for any person that sends an unsolicited commercial electronic mail message to fail to use the exact characters "ADV:" as the first four characters in the subject line of the unsolicited commercial electronic mail message.

3. It shall be a violation of this section for any person that sends an unsolicited commercial electronic mail message that contains obscene material as defined in section 573.010, RSMo, or references a web site that contains obscene material to fail to use the exact characters "ADV:ADLT" as the first eight characters in the subject line of the unsolicited commercial electronic mail message that contains obscene material.

4. It shall be a violation of this section to initiate the transmission of any unsolicited commercial electronic mail to a subscriber in this state who has notified a sender not to initiate the transmission of any further unsolicited commercial electronic mail. For purposes of this subsection, a subscriber is deemed to have notified a sender not to initiate the transmission of any further unsolicited commercial electronic mail if the subscriber:

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(1) Replies to a sender at the valid sender-operated return electronic mail address or the sender's toll-free telephone number with directions not to initiate the transmission of any further unsolicited commercial electronic mail as provided in section 407.1123; or

(2) Otherwise gives actual notice to a sender not to initiate the transmission of further unsolicited commercial electronic mail; or

(3) Notifies the attorney general if a sender fails to provide a toll-free telephone number or valid sender-operated return electronic mail address as required by section 407.1123.

5. The attorney general shall promulgate rules and regulations as he or she deems necessary and appropriate to fully implement the provisions of sections 407.1135 to 407.1147.

**407.1147. ATTORNEY GENERAL TO INITIATE PROCEEDINGS FOR VIOLATION — PENALTIES — DEFENSES — ACTION BARRED, WHEN. — 1.** The attorney general may initiate proceedings relating to a knowing violation of sections 407.1135 to 407.1147. Such proceedings may include an injunction, a civil penalty up to a maximum of five thousand dollars for each knowing violation, not to exceed twenty-five thousand dollars per day, in any court of competent jurisdiction. The attorney general may issue investigative demands, issue subpoenas, administer oaths, and conduct hearings in the course of investigating a violation of sections 407.1135 to 407.1147.

2. In addition to the penalties provided in subsection 1 of this section, any person or entity that violates sections 407.1135 to 407.1147 shall be subject to all penalties, remedies and procedures provided in sections 407.010 to 407.130. The remedies available in this section are cumulative and in addition to any other remedies available by law. Any civil penalties recovered pursuant to this section shall be credited to the merchandising practices revolving fund.

3. It shall be a defense in any action or proceeding brought pursuant to this section that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent the transmission of unsolicited commercial electronic mail messages in violation of section 407.1144.

4. No action or proceeding may be brought pursuant to this section:

(1) More than two years after the person bringing the action knew or should have known of the occurrence of the alleged violation; or

(2) More than two years after the termination of any proceeding or action arising out of the same violation or violations by the state of Missouri, whichever is later.

5. A court of this state may exercise personal jurisdiction over any nonresident or his or her executor or administrator as to an action or proceeding authorized by this section in the manner otherwise provided by law.

6. No telecommunications utility, electronic mail service provider, or internet service provider shall be liable for violations of section 407.1144 when:

(1) It is an intermediary between the sender and recipient in the transmission of an email that violates sections 407.1135 to 407.1147; or

(2) It provides transmission of unsolicited commercial electronic mail messages over the provider's computer network or facilities; or

(3) It voluntarily takes action in good faith to block the receipt or transmission through its service of any electronic mail advertisements that it believes are, or will be, sent in violation of sections 407.1135 to 407.1147.

**573.052. CHILD PORNOGRAPHY, ATTORNEY GENERAL AUTHORIZED TO INVESTIGATE, WHEN — VIOLATOR IMMUNE FROM CIVIL LIABILITY, WHEN. —** Upon receipt of any information that child pornography as defined in section 573.010 is contained on a web site, the attorney general shall investigate such information. If the attorney general has

probable cause to believe the web site contains child pornography, the attorney general shall notify a web site operator of any child pornography site residing on that web site operator's server, in writing. If the web site operator promptly, but in no event longer than five days after receiving notice, removes the alleged pornography from its server, and so long as the web site operator is not the purveyor of such child pornography, it shall be immune from civil liability. If the web site operator does not promptly remove the alleged pornography, the attorney general may seek an injunction pursuant to section 573.070 to remove the child pornography site from the web site operator's server. This section shall not be construed to create any defense to any criminal charges brought pursuant to this chapter or chapter 568, RSMo.

Approved July 11, 2003

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#### HB 244 [HB 244]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Permits Cass County to choose by ordinance a planning and zoning program authorized by state statute.**

AN ACT to repeal section 64.905, RSMo, and to enact in lieu thereof one new section relating to county planning and zoning ordinances.

#### SECTION

- A. Enacting clause.
- 64.905. Purpose of sections 64.800 to 64.905 — effect of adoption on preexisting program — Clay County and Cass County may operate pursuant to planning and zoning laws other than those of a county of the first classification.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 64.905, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 64.905, to read as follows:

**64.905. PURPOSE OF SECTIONS 64.800 TO 64.905 — EFFECT OF ADOPTION ON PREEXISTING PROGRAM — CLAY COUNTY AND CASS COUNTY MAY OPERATE PURSUANT TO PLANNING AND ZONING LAWS OTHER THAN THOSE OF A COUNTY OF THE FIRST CLASSIFICATION.** — 1. The provisions of sections 64.800 to [64.905] **64.906** are established as an alternative to [the provisions of] sections 64.510 to [64.690] **64.727** for counties of the second and third classifications, and as an alternative to [the provisions of] sections 64.211 to 64.295 for counties of the first classification not having a charter form of government.

2. Except as provided in [subsections 4 and 5] **subsection 4** of this section, if the voters of any county of the second or third classification adopt county planning or zoning pursuant to [the provisions of] sections 64.800 to [64.905] **64.906** after having previously adopted county planning or zoning pursuant to [the provisions of] sections 64.510 to [64.690] **64.727**, the provisions of sections 64.800 to [64.905] **64.906** shall be effective in the county, and the county planning or zoning shall be conducted thereafter as provided in sections 64.800 to [64.905] **64.906** rather than as provided in sections 64.510 to [64.690] **64.727**.

3. Except as provided in [subsections 4 and 5] **subsection 4** of this section, any county of the second classification which adopts county planning or zoning pursuant to [the provisions of]

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sections [64.800 to 64.905 or 64.510 to 64.690 prior to] **64.510 to 64.727 or 64.800 to 64.906** before becoming a county of the first classification [not having a charter form of government] shall continue to operate pursuant to those provisions as a county of the first classification until the county planning or zoning program is terminated pursuant to [the provisions of] section 64.900. After the termination of county planning or zoning pursuant to sections 64.800 to [64.905] **64.906**, the county commission of any county of the first classification not having a charter form of government may exercise all powers and duties prescribed by and may elect to [come under the provisions of] **be subject to** sections 64.211 to 64.295.

4. Notwithstanding the provisions of subsections 2 and 3 of this section, in any county of the first classification without a charter form of government which has a population of at least one hundred fifty thousand inhabitants which contains all or a portion of a city with a population of at least three hundred thousand inhabitants, **or in any county of the first classification with more than eighty-two thousand but less than eighty-two thousand one hundred inhabitants** which has adopted planning and zoning prior to becoming a county of the first classification, the county governing body may, by ordinance, provide that the county's planning and zoning may be conducted as provided in sections [64.510 to 64.690, sections 64.800 to 64.905 or sections 64.211 to 64.295] **64.211 to 64.295, sections 64.510 to 64.727, or sections 64.800 to 64.906.**

Approved July 9, 2003

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## HB 245 [HCS HB 245]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Designates a portion of U.S. Highway 60 as the "Korean War Veterans' Memorial Freeway".**

AN ACT to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway.

### SECTION

A. Enacting clause.

227.336. Korean War Veterans' Memorial Freeway, portion of U.S. Highway 60 designated as.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 227, RSMo, is amended by adding thereto one new section, to be known as section 227.336, to read as follows:

**227.336. KOREAN WAR VETERANS' MEMORIAL FREEWAY, PORTION OF U.S. HIGHWAY 60 DESIGNATED AS.** — The thirteen and one-half mile portion of U.S. highway 60, also known as the James River Freeway, from its intersection with U.S. highway 65, west to its connection with state route 360, following northwest to its intersection with interstate highway 44, shall be designated the "Korean War Veterans' Memorial Freeway". All signage shall be paid for through private sources and shall meet appropriate specifications as set forth by the department of transportation.

Approved June 16, 2003

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## HB 247 [HB 247]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Allows special mobile equipment to operate on weekends and legal holidays under certain circumstances.**

AN ACT to repeal section 301.133, RSMo, and to enact in lieu thereof one new section relating to special mobile equipment.

SECTION

A. Enacting clause.

301.133. Special mobile equipment exempt — when permitted on highways, exception.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 301.133, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.133, to read as follows:

**301.133. SPECIAL MOBILE EQUIPMENT EXEMPT — WHEN PERMITTED ON HIGHWAYS, EXCEPTION.** — **1.** Special mobile equipment may be moved on the highways of this state from one job location to another or to or from places of storage, delivery or repair without complying with the provisions of the law relating to titling and registration and display of license plates but shall comply with all the other requirements of the law relating to motor vehicles, except that such equipment, other than farm equipment, shall not be operated on state maintained roads or highways on Saturdays, Sundays or legal holidays, except in emergencies.

**2.** Notwithstanding the provisions of subsection 1 of this section to the contrary, special mobile equipment that travels at a speed above any minimum posted speed limit and is capable of traveling at the uniform maximum speed limits as established in section 304.010, RSMo, does not exceed the maximum weight limits as established in subsection 3 of section 304.180, RSMo, and does not exceed the limitations on height, width, or length of section 304.170, RSMo, so as to require the issuance of a special permit pursuant to section 304.200, RSMo, may be operated on state maintained roads or highways at any time and on any day.

Approved June 26, 2003

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## HB 249 [HB 249]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Designates state route WW outside of Marshall, Missouri as "Butterfield Road".**

AN ACT to amend chapter 227, RSMo, by adding thereto one new section relating to designation of a certain state route.

SECTION

A. Enacting clause.

227.337. Butterfield Ranch Road, portion of state route WW (within the city of Marshall) designated as.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 227, RSMo, is amended by adding thereto one new section, to be known as section 227.337, to read as follows:

**227.337. BUTTERFIELD RANCH ROAD, PORTION OF STATE ROUTE WW (WITHIN THE CITY OF MARSHALL) DESIGNATED AS.** — **The portion of state route WW, from the corner of Morrow and Odell Streets within the city of Marshall, east to the end of such state route shall be designated "Butterfield Ranch Road". All appropriate signage shall be paid for, erected, and maintained by Butterfield Youth Services.**

Approved June 26, 2003

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HB 253 [HCS HB 253]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Prohibits the disclosure of the Social Security number of the petitioner for an order of protection.**

AN ACT to repeal section 455.030, RSMo, and to enact in lieu thereof one new section relating to orders of protection.

SECTION

A. Enacting clause.

455.030. Filings — certain information not required from petitioner, exception — supreme court shall provide for filing of petitions on holidays, evenings and weekends.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 455.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 455.030, to read as follows:

**455.030. FILINGS — CERTAIN INFORMATION NOT REQUIRED FROM PETITIONER, EXCEPTION — SUPREME COURT SHALL PROVIDE FOR FILING OF PETITIONS ON HOLIDAYS, EVENINGS AND WEEKENDS.** — 1. When the court is unavailable after business hours or on holidays or weekends, a verified petition for protection from abuse or a motion for hearing on violation of any order of protection under sections 455.010 to 455.085 may be filed before any available court in the city or county having jurisdiction to hear the petition pursuant to the guidelines developed pursuant to subsection 4 of this section. An ex parte order may be granted pursuant to section 455.035.

2. All papers in connection with the filing of a petition or the granting of an ex parte order of protection or a motion for a hearing on a violation of an order of protection under this section shall be certified by such court or the clerk within the next regular business day to the circuit court having jurisdiction to hear the petition.

3. A petitioner seeking a protection order shall not be required to reveal any current address or place of residence except to the court in camera for the purpose of determining jurisdiction and venue. The petitioner may be required to provide a mailing address unless the petitioner alleges that he or she would be endangered by such disclosure, or that other family or household members would be endangered by such disclosure. **Effective January 1, 2004, a petitioner**

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shall not be required to provide his or her Social Security number on any petition or document filed in connection with a protection order; except that, the court may require that a petitioner's Social Security number be retained on a confidential case sheet or other confidential record maintained in conjunction with the administration of the case.

4. The supreme court shall develop guidelines which ensure that a verified petition may be filed on holidays, evenings and weekends.

Approved June 26, 2003

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## HB 254 [HB 254]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

### **Creates the Uniform Electronics Transactions Act.**

AN ACT to repeal sections 28.600, 28.603, 28.606, 28.609, 28.612, 28.615, 28.618, 28.621, 28.624, 28.627, 28.630, 28.633, 28.636, 28.639, 28.642, 28.645, 28.648, 28.651, 28.654, 28.657, 28.660, 28.663, 28.666, 28.669, 28.672, 28.675, 28.678, and 28.681, RSMo, and to enact in lieu thereof seventeen new sections relating to the uniform electronic transactions act.

#### SECTION

- A. Enacting clause.
  - 432.200. Title.
  - 432.205. Definitions.
  - 432.210. Scope.
  - 432.215. Prospective application.
  - 432.220. Use of electronic records and electronic signatures — variation by agreement.
  - 432.225. Construction and application.
  - 432.230. Legal recognition of electronic records, electronic signatures, and electronic contracts.
  - 432.235. Provision of information in writing — presentation of records.
  - 432.240. Attribution and effect of electronic record and electronic signature.
  - 432.245. Effect of change or error.
  - 432.250. Notarization and acknowledgment.
  - 432.255. Retention of electronic records — originals.
  - 432.260. Admissibility of evidence.
  - 432.265. Automated transaction.
  - 432.270. Time and place of sending and receipt.
  - 432.275. Transferable records.
  - 432.295. Severability clause.
  - 28.600. Law, how cited.
  - 28.603. Purpose of law to facilitate commerce by reliable electronic messages and to minimize fraud in electronic commerce.
  - 28.606. Definitions.
  - 28.609. Commissions division may be a certification authority, duties and powers — rules valid when.
  - 28.612. Procedure required for certification authority to obtain or retain license from the division — suspension or revocation of license for noncompliance.
  - 28.615. Audit of licensed certification authority, requirements, exemptions, procedure.
  - 28.618. Investigation of licensees' activities by division authorized — violations, penalty.
  - 28.621. Certification authority not to conduct business in a manner creating risk of loss to subscribers — duties of division.
  - 28.624. Licensee to use only trustworthy system — disclosure required by licensees.
  - 28.627. Certificate issued to subscriber, conditions required to be satisfied — powers and duties of licensees and the division.
  - 28.630. Licensees' warranty to subscribers — publication of certificate, effect.
  - 28.633. Subscriber certifies to persons relying on information contained in certificates compliance with requirements.
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- 28.636. Private key, subscriber accepting certificate, duties.
- 28.639. Temporary suspension of certificate, when, procedure, termination of suspension, procedure — misrepresentation made to obtain suspension, penalty.
- 28.642. Revocation of certificate, exception — procedure.
- 28.645. Expiration date to be stated in certificate — duties discharged on expiration.
- 28.648. Limited reliance specified in certificate, effect.
- 28.651. Guaranty, rights of recovery — qualified right to recovery, requirements.
- 28.654. Digital signature sufficient, when.
- 28.657. Digital signature recipient assumes risk of forgery, when — refusal to rely, procedure.
- 28.660. Message is valid as if written, when.
- 28.663. Digitally signed messages as enforceable as original, exception.
- 28.666. Issued certificate is an acknowledgment of a digital signature verified by reference to public key as listed in certificate.
- 28.669. Presumptions by court involving a digital signature dispute.
- 28.672. Repository by written request may apply to division for recognition, requirements.
- 28.675. Repository is liable for loss, when.
- 28.678. Records exempt from disclosure.
- 28.681. Statements, documents or notices may be filed, transmitted and stored in an electronic format, exceptions — duplicates not required — personal signatures shall be satisfied by electronically transmitted identification, when.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 28.600, 28.603, 28.606, 28.609, 28.612, 28.615, 28.618, 28.621, 28.624, 28.627, 28.630, 28.633, 28.636, 28.639, 28.642, 28.645, 28.648, 28.651, 28.654, 28.657, 28.660, 28.663, 28.666, 28.669, 28.672, 28.675, 28.678, and 28.681, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 432.200, 432.205, 432.210, 432.215, 432.220, 432.225, 432.230, 432.235, 432.240, 432.245, 432.250, 432.255, 432.260, 432.265, 432.270, 432.275, and 432.295, to read as follows:

**432.200. TITLE.** — Sections 432.200 to 432.295 shall be known and may be cited as the "Uniform Electronic Transactions Act".

**432.205. DEFINITIONS.** — As used in sections 432.200 to 432.295, the following terms shall mean:

(1) "Agreement", the bargain of the parties in fact, as found in their language or inferred from other circumstances and from rules, regulations, and procedures given the effect of agreements under laws otherwise applicable to a particular transaction;

(2) "Automated transaction", a transaction conducted or performed, in whole or in part, by electronic means or electronic records, in which the acts or records of one or both parties are not reviewed by an individual in the ordinary course in forming a contract, performing under an existing contract, or fulfilling an obligation required by the transaction;

(3) "Computer program", a set of statements or instructions to be used directly or indirectly in an information processing system to bring about a certain result;

(4) "Contract", the total legal obligation resulting from the parties' agreement as affected by sections 432.200 to 432.295 and other applicable law;

(5) "Electronic", relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

(6) "Electronic agent", a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records or performances in whole or in part, without review or action by an individual;

(7) "Electronic record", a record created, generated, sent, communicated, received, or stored by electronic means;

(8) "Electronic signature", an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record;

(9) "Governmental agency", an executive, legislative or judicial agency, department, board, commission, authority, institution, or instrumentality of the federal government or of a state or of a county, municipality, or other political subdivision of a state;

(10) "Information", data, text, images, sounds, codes, computer programs, software, databases, or the like;

(11) "Information processing system", an electronic system for creating, generating, sending, receiving, storing, displaying, or processing information;

(12) "Person", an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity;

(13) "Record", information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;

(14) "Security procedure", a procedure employed for the purpose of verifying that an electronic signature, record, or performance is that of a specific person or for detecting changes or errors in the information in an electronic record. Security procedure includes a procedure that requires the use of algorithms or other codes, identifying words or numbers, encryption or callback, or other acknowledgment procedures;

(15) "State", a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. State includes an Indian tribe or band, or Alaskan native village, which is recognized by federal law or formally acknowledged by a state;

(16) "Transaction", an action or set of actions occurring between two or more persons relating to the conduct of business, commercial, or governmental affairs.

**432.210. SCOPE.** — 1. Except as otherwise provided in subsection 2 of this section, sections 432.200 to 432.295 apply to electronic records and electronic signatures relating to a transaction.

2. Sections 432.200 to 432.295 shall not apply to a transaction to the extent it is governed by:

(1) A law governing the creation and execution of wills, codicils, or testamentary trusts; and

(2) The Uniform Commercial Code other than sections 400.1-107, 400.1-206, 400.2-101 to 400.2-725, RSMo, and sections 400.2A-101 to 400.2A-532, RSMo.

3. Sections 432.200 to 432.295 apply to an electronic record or electronic signature otherwise excluded from the application of sections 432.200 to 432.295 under subsection 2 of this section to the extent it is governed by a law other than those specified in subsection 2 of this section.

4. A transaction subject to sections 432.200 to 432.295 is also subject to other applicable substantive law.

**432.215. PROSPECTIVE APPLICATION.** — Sections 432.200 to 432.295 apply to any electronic record or electronic signature created, generated, sent, communicated, received, or stored on or after August 28, 2003.

**432.220. USE OF ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES — VARIATION BY AGREEMENT.** — 1. Sections 432.200 to 432.295 do not require a record or signature to be created, generated, sent, communicated, received, stored, or otherwise processed or used by electronic means or in electronic form.

2. Sections 432.200 to 432.295 apply only to transactions between parties each of which has agreed to conduct transactions by electronic means. Whether the parties agree to conduct a transaction by electronic means is determined from the context and surrounding circumstances, including the parties' conduct.

3. A party that agrees to conduct a transaction by electronic means may refuse to conduct other transactions by electronic means. The right granted by this subsection shall not be waived by agreement.

4. Except as otherwise provided in sections 432.200 to 432.295, the effect of any of its provisions may be varied by agreement. The presence in certain provisions of sections 432.200 to 432.295 of the words "unless otherwise agreed", or words of similar import, does not imply that the effect of other provisions shall not be varied by agreement.

5. Whether an electronic record or electronic signature has legal consequences is determined by sections 432.200 to 432.295 and other applicable law.

**432.225. CONSTRUCTION AND APPLICATION.** — Sections 432.200 to 432.295 shall be construed and applied:

- (1) To facilitate electronic transactions consistent with other applicable law;
- (2) To be consistent with reasonable practices concerning electronic transactions and with the continued expansion of those practices; and
- (3) To effectuate its general purpose to make uniform the law with respect to the subject of sections 432.200 to 432.295 among states enacting it.

**432.230. LEGAL RECOGNITION OF ELECTRONIC RECORDS, ELECTRONIC SIGNATURES, AND ELECTRONIC CONTRACTS.** — 1. A record or signature shall not be denied legal effect or enforceability solely because it is in electronic form.

2. A contract shall not be denied legal effect or enforceability solely because an electronic record was used in its formation.

3. If a law requires a record to be in writing, an electronic record satisfies the law.

4. If a law requires a signature, an electronic signature satisfies the law.

**432.235. PROVISION OF INFORMATION IN WRITING — PRESENTATION OF RECORDS.** —

1. If parties have agreed to conduct a transaction by electronic means and a law requires a person to provide, send or deliver information in writing to another person, the requirement is satisfied if the information is provided, sent or delivered, as the case may be, in an electronic record capable of retention by the recipient at the time of receipt. An electronic record is not capable of retention by the recipient if the sender or its information processing system inhibits the ability of the recipient to print or store the electronic record.

2. If a law other than sections 432.200 to 432.295 requires a record to be posted or displayed in a certain manner, to be sent, communicated, or transmitted by a specified method, or to contain information that is formatted in a certain manner, the following rules apply:

- (1) The record shall be posted or displayed in the manner specified in the other law;
- (2) Except as otherwise provided in subdivision (2) of subsection 4 of this section, the record shall be sent, communicated, or transmitted by the method specified in the other law;
- (3) The record shall contain the information formatted in the manner specified in the other law.

3. If a sender inhibits the ability of a recipient to store or print an electronic record, the electronic record is not enforceable against the recipient.

4. The requirements of this section shall not be varied by agreement, but:

- (1) To the extent a law other than sections 432.200 to 432.295 requires information to be provided, sent, or delivered in writing but permits that requirement to be varied by agreement, the requirement under subsection 1 of this section that the information be in the form of an electronic record capable of retention may also be varied by agreement; and

(2) A requirement under a law other than sections 432.200 to 432.295 to send, communicate, or transmit a record by first-class mail, postage prepaid, may be varied by agreement to the extent permitted by the other law.

**432.240. ATTRIBUTION AND EFFECT OF ELECTRONIC RECORD AND ELECTRONIC SIGNATURE.** — 1. An electronic record or electronic signature is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic record or electronic signature was attributable.

2. The effect of an electronic record or electronic signature attributed to a person under subsection 1 of this section is determined from the context and surrounding circumstances at the time of its creation, execution, or adoption, including the parties' agreement, if any, and otherwise as provided by law.

**432.245. EFFECT OF CHANGE OR ERROR.** — If a change or error in an electronic record occurs in a transmission between parties to a transaction, the following rules apply:

(1) If the parties have agreed to use a security procedure to detect changes or errors and one party has conformed to the procedure, but the other party has not, and the nonconforming party would have detected the change or error had that party also conformed, the conforming party may avoid the effect of the changed or erroneous electronic record;

(2) In an automated transaction involving an individual, the individual may avoid the effect of an electronic record that resulted from an error made by the individual in dealing with the electronic agent of another person if the electronic agent did not provide an opportunity for the prevention or correction of the error and, at the time the individual learns of the error, the individual:

(a) Promptly notifies the other person of the error and that the individual did not intend to be bound by the electronic record received by the other person;

(b) Takes reasonable steps, including steps that conform to the other person's reasonable instructions, to return to the other person or, if instructed by the other person, to destroy the consideration received, if any, as a result of the erroneous electronic record; and

(c) Has not used or received any benefit or value from the consideration, if any, received from the other person;

(3) If neither subdivision (1) nor subdivision (2) of this section applies, the change or error has the effect provided by other law, including the law of mistake, and the parties' contract, if any; and

(4) Subdivisions (2) and (3) of this section shall not be varied by agreement.

**432.250. NOTARIZATION AND ACKNOWLEDGMENT.** — If a law requires a signature or record to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record.

**432.255. RETENTION OF ELECTRONIC RECORDS — ORIGINALS.** — 1. If a law requires that a record be retained, the requirement is satisfied by retaining an electronic record of the information in the record which:

(1) Accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise; and

(2) Remains accessible for later reference.

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2. A requirement to retain a record in accordance with subsection 1 of this section does not apply to any information the sole purpose of which is to enable the record to be sent, communicated, or received.

3. A person may satisfy subsection 1 of this section by using the services of another person if the requirements of that subsection are satisfied.

4. If a law requires a record to be presented or retained in its original form, or provides consequences if the record is not presented, or retained in its original form, that law is satisfied by an electronic record retained in accordance with subsection 1 of this section.

5. If a law requires retention of a check, that requirement is satisfied by retention of an electronic record of the information on the front and back of the check in accordance with subsection 1 of this section.

6. A record retained as an electronic record in accordance with subsection 1 of this section satisfies a law requiring a person to retain a record for evidentiary, audit or like purposes, unless a law enacted after August 28, 2003, specifically prohibits the use of an electronic record for the specified purpose.

7. This section does not preclude a governmental agency of this state from specifying additional requirements for the retention of a record subject to the agency's jurisdiction.

**432.260. ADMISSIBILITY OF EVIDENCE.** — In a proceeding, evidence of a record or signature shall not be excluded solely because it is in electronic form.

**432.265. AUTOMATED TRANSACTION.** — In an automated transaction, the following rules apply:

(1) A contract may be formed by the interaction of electronic agents of the parties, even if no individual was aware of or reviewed the electronic agents' actions or the resulting terms and agreements;

(2) A contract may be formed by the interaction of an electronic agent and an individual, acting on the individual's own behalf or for another person, including by an interaction in which the individual performs actions that the individual is free to refuse to perform and which the individual knows or has reason to know will cause the electronic agent to complete the transaction or performance;

(3) The terms of the contract are determined by the substantive law applicable to it.

**432.270. TIME AND PLACE OF SENDING AND RECEIPT.** — 1. Unless otherwise agreed between the sender and the recipient, an electronic record is sent when it:

(1) Is addressed properly or otherwise directed properly to an information processing system that the recipient has designated or uses for the purpose of receiving electronic records or information of the type sent and from which the recipient is able to retrieve the electronic record;

(2) Is in a form capable of being processed by that system; and

(3) Enters an information processing system outside the control of the sender or of a person that sent the electronic record on behalf of the sender or enters a region of the information processing system designated or used by the recipient which is under the control of the recipient.

2. Unless otherwise agreed between a sender and the recipient, an electronic record is received when:

(1) It enters an information processing system that the recipient has designated or uses for the purpose of receiving electronic records or information of the type sent and from which the recipient is able to retrieve the electronic record; and

(2) It is in a form capable of being processed by that system.

3. Subsection 2 of this section applies even if the place the information processing system is located is different from the place the electronic record is deemed to be received under subsection 4 of this section.

4. Unless otherwise expressly provided in the electronic record or agreed between the sender and the recipient, an electronic record is deemed to be sent from the sender's place of business and to be received at the recipient's place of business. For purposes of this subsection, the following rules apply:

(1) If the sender or recipient has more than one place of business, the place of business of that person is the place having the closest relationship to the underlying transaction;

(2) If the sender or the recipient does not have a place of business, the place of business is the sender's or recipient's residence, as the case may be.

5. An electronic record is received under subsection 2 of this section even if no individual is aware of its receipt.

6. Receipt of an electronic acknowledgment from an information processing system described in subsection 2 of this section establishes that a record was received but, by itself, does not establish that the content sent corresponds to the content received.

7. If a person is aware that an electronic record purportedly sent under subsection 1 of this section or purportedly received under subsection 2 of this section was not actually sent or received, the legal effect of the sending or receipt is determined by other applicable law. Except to the extent permitted by the other law, the requirements of this subsection shall not be varied by agreement.

**432.275. TRANSFERABLE RECORDS.** — 1. As used in this section, "transferable record" means an electronic record that:

(1) Would be a note under sections 400.3-101 to 400.3-605, RSMo, or a document under sections 400.7-101 to 400.7-604, RSMo, if the electronic record were in writing; and

(2) The issuer of the electronic record expressly has agreed is a transferable record.

2. A person has control of a transferable record if a system employed for evidencing the transfer of interests in the transferable record reliably establishes that person as the person to which the transferable record was issued or transferred.

3. A system satisfies subsection 2 of this section and a person is deemed to have control of a transferable record if the transferable record is created, stored, and assigned in such a manner that:

(1) A single authoritative copy of the transferable record exists which is unique, identifiable, and, except as otherwise provided in subdivisions (4), (5), and (6) of subsection 3 of this section, unalterable;

(2) The authoritative copy identifies the person asserting control as:

(a) The person to which the transferable record was issued; or

(b) If the authoritative copy indicates that the transferable record has been transferred, the person to which the transferable record was most recently transferred;

(3) The authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;

(4) Copies or revisions that add or change an identified assignee of the authoritative copy can be made only with the consent of the person asserting control;

(5) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(6) Any revision of the authoritative copy is readily identifiable as authorized or unauthorized.

4. Except as otherwise agreed, a person having control of a transferable record is the holder, as defined in subdivision (20) of section 400.1-201, RSMo, of the Uniform Commercial Code, of the transferable record and has the same rights and defenses as a

holder of an equivalent record or writing under the Uniform Commercial Code, including, if the applicable statutory requirements under section 400.3-302(a), 400.7-501, or 400.9-308, RSMo, of the Uniform Commercial Code are satisfied, the rights and defenses of a holder in due course, a holder to which a negotiable document of title has been duly negotiated, or a purchaser, respectively. Delivery, possession, and endorsement are not required to obtain or exercise any of the rights under this subsection.

5. Except as otherwise agreed, an obligor under a transferable record has the same rights and defenses as an equivalent obligor under equivalent records or writings under the Uniform Commercial Code.

6. If requested by a person against which enforcement is sought, the person seeking to enforce the transferable record shall provide reasonable proof that the person is in control of the transferable record. Proof may include access to the authoritative copy of the transferable record and related business records sufficient to review the terms of the transferable record and to establish the identity of the person having control of the transferable record.

**432.295. SEVERABILITY CLAUSE.** — If any provision of sections 432.200 to 432.295 or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of sections 432.200 to 432.295 which can be given effect without the invalid provision or application, and to this end the provisions of sections 432.200 to 432.295 are severable.

**[28.600. LAW, HOW CITED.** — Sections 28.600 to 28.678 are known as the "Missouri Digital Signatures Act".]

**[28.603. PURPOSE OF LAW TO FACILITATE COMMERCE BY RELIABLE ELECTRONIC MESSAGES AND TO MINIMIZE FRAUD IN ELECTRONIC COMMERCE.** — Sections 28.600 to 28.678 shall be construed to be consistent with what is commercially reasonable under the circumstances and to effectuate the following purposes:

- (1) To facilitate commerce by means of reliable electronic messages;
- (2) To minimize the incidence of forged digital signatures and fraud in electronic commerce;
- (3) To implement legally the general import of relevant standards, such as X.509 of the International Telecommunication Union (formerly International Telegraph and Telephone Consultative Committee or CCITT); and
- (4) To establish, in coordination with multiple states, uniform rules regarding the authentication and reliability of electronic messages.]

**[28.606. DEFINITIONS.** — For the purposes of sections 28.600 to 28.678, unless the context expressly indicates otherwise, the following terms shall mean:

- (1) "Accept a certificate":
  - (a) To manifest approval of a certificate, while knowing or having notice of its contents;or
  - (b) To apply to a licensed certification authority for a certificate, without canceling or revoking the application, if the certification authority subsequently issues a certificate based on the application;
- (2) "Asymmetric cryptosystem", an algorithm or series of algorithms which provide a secure key pair;
- (3) "Certificate", a computer-based record which:
  - (a) Identifies the certification authority issuing it;
  - (b) Names or identifies its subscriber;
  - (c) Contains the subscriber's public key; and

- (d) Is digitally signed by the certification authority issuing it;
  - (4) "Certification authority", a person who issues a certificate;
  - (5) "Certification authority disclosure record", an on-line, publicly accessible record which concerns a licensed certification authority and is kept by the division. A certification authority disclosure record has the contents specified by rule of the division pursuant to section 28.609;
  - (6) "Certification practice statement", a declaration of the practices which a certification authority employs in issuing certificates generally, or employs in issuing a material certificate;
  - (7) "Certify", the declaration of material facts by the certification authority regarding a certificate;
  - (8) "Confirm", to ascertain through appropriate inquiry and investigation;
  - (9) "Correspond", with reference to keys, to belong to the same key pair;
  - (10) "Digital signature", a transformation of a message using an asymmetric cryptosystem such that a person having the initial message and the signer's public key can accurately determine whether:
    - (a) The transformation was created using the private key that corresponds to the signer's public key; and
    - (b) The message has been altered since the transformation was made;
  - (11) "Division", the commissions division of the office of secretary of state for the state of Missouri;
  - (12) "Forge a digital signature", either:
    - (a) To create a digital signature without the authorization of the rightful holder of the private key; or
    - (b) To create a digital signature verifiable by a certificate listing as subscriber a person who either:
      - a. Does not exist; or
      - b. Does not hold the private key corresponding to the public key listed in the certificate;
  - (13) "Hold a private key", to be able to use a private key;
  - (14) "Incorporate by reference", to make one message a part of another message by identifying the message to be incorporated and expressing the intention that it be incorporated;
  - (15) "Issue a certificate", the acts of a certification authority in creating a certificate and notifying the subscriber listed in the certificate of the contents of the certificate;
  - (16) "Key pair", a private key and its corresponding public key in an asymmetric cryptosystem, keys which have the property that the public key can verify a digital signature that the private key creates;
  - (17) "Licensed certification authority", a certification authority to whom a license has been issued by the division and whose license is in effect;
  - (18) "Message", a digital representation of information;
  - (19) "Notify", to communicate a fact to another person in a manner reasonably likely under the circumstances to impart knowledge of the information to the other person;
  - (20) "Operative personnel", one or more natural persons acting as a certification authority or its agent, or in the employment of or under contract with a certification authority, and who have:
    - (a) Managerial or policy-making responsibilities for the certification authority; or
    - (b) Duties directly involving the issuance of certificates, creation of private keys, or administration of a certification authority's computing facilities;
  - (21) "Person", a human being or any organization capable of signing a document, either legally or as a matter of fact;
  - (22) "Private key", the key of a key pair used to create a digital signature;
  - (23) "Public key", the key of a key pair used to verify a digital signature;
  - (24) "Publish", to record or file in a repository;
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(25) "Qualified right to payment", an award of damages against a licensed certification authority by a court having jurisdiction over the certification authority in a civil action for violation of sections 28.600 to 28.678;

(26) "Recipient", a person who receives or has a digital signature and is in a position to rely on it;

(27) "Recognized repository", a repository recognized by the division pursuant to section 28.672;

(28) "Recommended reliance limit", the limitation on the monetary amount recommended for reliance on a certificate pursuant to subsection 1 of section 28.648;

(29) "Repository", a system for storing and retrieving certificates and other information relevant to digital signatures;

(30) "Revoke a certificate", to make a certificate ineffective permanently from a specified time forward. Revocation is effected by notation or inclusion in a set of revoked certificates, and does not imply that a revoked certificate is destroyed or made illegible;

(31) "Rightfully hold a private key", to be authorized to use a private key:

(a) Which the holder or the holder's agents have not disclosed to any person in violation of subsection 1 of section 28.636; and

(b) Which the holder has not obtained through theft, deceit, eavesdropping or other unlawful means;

(32) "Signer", a person who creates a digital signature for a message;

(33) "Subscriber", a person who:

(a) Is the subject listed in a certificate;

(b) Accepts the certificate; and

(c) Holds a private key which corresponds to a public key listed in that certificate;

(34) (a) "Suitable guaranty", either a surety bond executed by a surety authorized by the department of insurance to do business in this state, or an irrevocable letter of credit issued by a financial institution authorized to do business in this state by the division of finance or division of credit unions in the department of economic development, which, in either event, satisfies all of the following requirements, that it:

a. Is issued payable to the division for the benefit of persons holding qualified rights of payment against the licensed certification authority named as the principal of the bond or customer of the letter of credit;

b. Is in an amount specified by rule of the division pursuant to section 28.609;

c. States that it is issued for filing pursuant to the provisions of sections 28.600 to 28.678;

d. Specifies a term of effectiveness extending at least as long as the term of the license to be issued to the certification authority; and

e. Is in a form prescribed by rule of the division;

(b) A suitable guaranty may also provide that the total annual liability on the guaranty to all persons making claims based on it may not exceed the face amount of the guaranty;

(c) A financial institution acting as a certification authority may satisfy the requirements of this subdivision from its assets or capital, to the extent of its lending limit as provided by law;

(35) "Suspend a certificate", to make a certificate ineffective temporarily from a specified time forward;

(36) "Time-stamp", either:

(a) To append or attach to a message, digital signature or certificate a digitally signed notation indicating at least the date and time the notation was appended or attached, and the identity of the person appending or attaching the notation; or

(b) The notation thus appended or attached;

(37) "Transactional certificate", a valid certificate incorporating by reference one or more digital signatures;

(38) "Trustworthy system", computer hardware and software which:

(a) Are reasonably secure from intrusion and misuse;

- (b) Provide a reasonable level of availability, reliability and correct operation; and
- (c) Are reasonably suited to performing their intended functions;
- (39) (a) "Valid certificate", a certificate which:
  - a. A licensed certification authority has issued;
  - b. The subscriber listed in it has accepted;
  - c. Has not been revoked or suspended; and
  - d. Has not expired;
- (b) A "transactional certificate" is a valid certificate only in relation to the digital signature incorporated in it by reference;
- (40) "Verify a digital signature", in relation to a given digital signature, message and public key, to determine accurately that:
  - (a) The digital signature was created by the private key corresponding to the public key; and
  - (b) The message has not been altered since its digital signature was created.]

**[28.609. COMMISSIONS DIVISION MAY BE A CERTIFICATION AUTHORITY, DUTIES AND POWERS — RULES VALID WHEN.** — 1. The division may be a certification authority, and may issue, suspend and revoke certificates in the manner prescribed for licensed certification authorities in sections 28.600 to 28.678.

2. The division shall maintain a publicly accessible database containing a certification authority disclosure record for each licensed certification authority. The division shall publish the contents of the database in at least one recognized repository.

3. The division shall promulgate such rules as are necessary to effectuate the provisions of sections 28.600 to 28.678, including rules:

- (1) Governing licensed certification authorities, their practice and the termination of a certification authority's practice;
- (2) Determining an amount appropriate for a suitable guaranty, in light of:
  - (a) The burden a suitable guaranty places upon licensed certification authorities; and
  - (b) The assurance of financial responsibility it provides to persons who rely on certificates issued by licensed certification authorities;
- (3) For reviewing software for use in creating digital signatures and publish reports concerning software;
- (4) Specifying reasonable requirements for the form of certificates issued by licensed certification authorities, in accordance with generally accepted standards for digital signature certificates;
- (5) Specifying reasonable requirements for record keeping by licensed certification authorities;
- (6) Specifying reasonable requirements for the content, form and sources of information in certification authority disclosure records, the updating and timeliness of such information, and other practices and policies relating to certification authority disclosure records; and
- (7) Specifying the form of certification practice statements.

4. No rule or portion of a rule promulgated pursuant to the authority of sections 28.600 to 28.678 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.]

**[28.612. PROCEDURE REQUIRED FOR CERTIFICATION AUTHORITY TO OBTAIN OR RETAIN LICENSE FROM THE DIVISION — SUSPENSION OR REVOCATION OF LICENSE FOR NONCOMPLIANCE.** — 1. To obtain or retain a license a certification authority shall:

- (1) Be the subscriber of a certificate published in a recognized repository;
  - (2) Employ as operative personnel only persons who have not been convicted of a felony or a crime involving fraud, false statement or deception;
  - (3) Employ as operative personnel only persons who have demonstrated knowledge and proficiency in following the requirements of sections 28.600 to 28.678;
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(4) File with the division a suitable guaranty, unless the certification authority is the governor, a department or division of state government, the attorney general, state auditor, state treasurer, the supreme court, a city, a county or the legislature or its staff offices provided that:

(a) Each of such governmental entities may act through designated officials authorized by ordinance, rule or statute to perform certification authority functions; and

(b) One of such governmental entities is the subscriber of all certificates issued by the certification authority;

(5) Have the right to use a trustworthy system, including a secure means for controlling usage of its private key;

(6) Present proof to the division of having working capital reasonably sufficient, according to rules of the division, to enable the applicant to conduct business as a certification authority;

(7) Comply with all other licensing requirements established by division rule.

2. The division shall issue a license to a certification authority which:

(1) Is qualified pursuant to subsection 1 of this section;

(2) Applies in writing to the division for a license; and

(3) Pays the required filing fee.

3. (1) The division may classify and issue licenses according to specified limitations, such as a maximum number of outstanding certificates, cumulative maximum of recommended reliance limits in certificates issued by the certification authority, or issuance only within a single firm or organization;

(2) A certification authority acts as an unlicensed certification authority when issuing a certificate exceeding the limits of the license.

4. (1) The division may revoke or suspend a certification authority's license for failure to comply with sections 28.600 to 28.678, or for failure to remain qualified pursuant to subsection 1 of this section;

(2) The division's actions pursuant to this subsection are subject to the procedures for adjudicative proceedings in chapter 621, RSMo.

5. The division may recognize by rule the licensing or authorization of certification authorities by other governmental entities, provided that those licensing or authorization requirements are substantially similar to those of this state. If licensing by another governmental entity is so recognized:

(1) Sections 28.654 to 28.669, which relate to presumptions and legal effects, apply to certificates issued by the certification authorities licensed or authorized by that governmental entity in the same manner as they apply to licensed certification authorities of this state; and

(2) The liability limits of section 28.648 apply to the certification authorities licensed or authorized by that governmental entity in the same manner as they apply to licensed certification authorities of this state.

6. Unless the parties provide otherwise by contract between themselves, the licensing requirements in this section do not affect the effectiveness, enforceability or validity of any digital signature except that sections 28.654 to 28.669 do not apply to a digital signature which cannot be verified by a certificate issued by a licensed certification authority. Further, the liability limits of section 28.648 do not apply to unlicensed certification authorities.]

**[28.615. AUDIT OF LICENSED CERTIFICATION AUTHORITY, REQUIREMENTS, EXEMPTIONS, PROCEDURE. —** 1. A certified public accountant having expertise in computer security, or an accredited computer security professional, shall audit the operations of each licensed certification authority at least once each year to evaluate compliance with sections 28.600 to 28.678. The division may specify qualifications for auditors in greater detail by rule.

2. (1) Based on information gathered in the audit, the auditor shall categorize the licensed certification authority's compliance as one of the following:

(a) Full compliance, which means the certification authority appears to conform to all applicable statutory and regulatory requirements;

(b) Substantial compliance, which means the certification authority generally appears to conform to all applicable statutory and regulatory requirements; however, one or more instances of noncompliance or inability to demonstrate compliance were found in the audited sample, but were likely to be inconsequential;

(c) Partial compliance, which means the certification authority appears to comply with some statutory and regulatory requirements, but was found not to have complied or not to be able to demonstrate compliance with one or more important safeguards; or

(d) Noncompliance, which means the certification authority complies with few or none of the statutory and regulatory requirements, fails to keep adequate records to demonstrate compliance with more than a few requirements, or refused to submit to an audit;

(2) The auditor shall report the date of the audit of the licensed certification authority and resulting categorization to the division;

(3) The division shall publish in the certification authority disclosure record it maintains for the certification authority, the date of the audit and the resulting categorization of the certification authority.

3. (1) The division may exempt a licensed certification authority from the requirements of subsection 1 of this section if:

(a) The certification authority to be exempted requests exemption in writing;

(b) The most recent performance audit, if any, of the certification authority resulted in a finding of full or substantial compliance; and

(c) The certification authority declares under oath or affirmation that one or more of the following is true with respect to the certification authority:

a. The certification authority has issued fewer than six certificates during the past year and the total of the recommended reliance limits of all such certificates does not exceed ten thousand dollars;

b. The aggregate lifetime of all certificates issued by the certification authority during the past year is less than thirty days and the total of the recommended reliance limits of all such certificates does not exceed ten thousand dollars; or

c. The recommended reliance limits of all certificates outstanding and issued by the certification authority total less than one thousand dollars;

(2) If the certification authority's declaration pursuant to subdivision (1) of subsection 3 of this section falsely states a material fact, the certification authority shall have failed to comply with the performance audit requirement of this subsection;

(3) If a licensed certification authority is exempt pursuant to this subsection, the division shall publish in the certification authority disclosure record it maintains for the certification authority a statement that the certification authority is exempt from the performance audit requirement.]

**[28.618. INVESTIGATION OF LICENSEES' ACTIVITIES BY DIVISION AUTHORIZED — VIOLATIONS, PENALTY. —** 1. The division may investigate the activities of a licensed certification authority material to its compliance with this chapter and issue orders to a certification authority to further its investigation and ensure compliance with sections 28.600 to 28.678.

2. As provided in section 28.612, the division may restrict a certification authority's license for its failure to comply with an order of the division, or may suspend or revoke the license of a certification authority.

3. Any person who knowingly or intentionally violates an order of the division issued pursuant to this section or section 28.621 is subject to a civil penalty of not more than five thousand dollars per violation or ninety percent of the recommended reliance limit of a material certificate, whichever is less.

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4. The division may order a certification authority in violation of sections 28.600 to 28.678 to pay the costs incurred by the division in prosecuting and adjudicating proceedings relative to, and in enforcement of, the order.

5. Administrative proceedings undertaken pursuant to this section shall be conducted pursuant to chapter 536, RSMo.]

**[28.621. CERTIFICATION AUTHORITY NOT TO CONDUCT BUSINESS IN A MANNER CREATING RISK OF LOSS TO SUBSCRIBERS — DUTIES OF DIVISION. —** 1. A certification authority, whether licensed or not, may not conduct its business in a manner that creates an unreasonable risk of loss to subscribers of the certification authority, to persons relying on certificates issued by the certification authority, or to a repository.

2. (1) The division may publish in one or more recognized repositories brief statements advising subscribers, persons relying on digital signatures, and repositories about any activities of a licensed or unlicensed certification authority, of which the division has actual knowledge, which create a risk prohibited by subsection 1 of this section;

(2) The certification authority named in a statement as creating such a risk may protest the publication of the statement by filing a brief, written defense. Upon receipt of such a protest, the division shall:

- (a) Publish the written defense along with the division's statement;
- (b) Publish notice that a hearing has been scheduled to determine the facts and to decide the matter; and
- (c) Promptly give the protesting certification authority notice and a hearing as provided in chapter 536, RSMo;

(3) Following the hearing, the division shall:

- (a) Rescind the advisory statement if its publication was unwarranted pursuant to this section;
- (b) Cancel the advisory statement if its publication is no longer warranted;
- (c) Continue or amend the advisory statement if it remains warranted; or
- (d) Take further legal action to eliminate or reduce a risk prohibited by subsection 1 of this section;

(4) The division shall publish its decision in one or more recognized repositories.

3. Nothing in sections 28.600 to 28.678 shall be construed to prevent the division from exercising any and all legal methods to enforce the provisions of sections 28.600 to 28.678. The provisions of this section do not create a right of action in any person other than the division.]

**[28.624. LICENSEE TO USE ONLY TRUSTWORTHY SYSTEM — DISCLOSURE REQUIRED BY LICENSEES. —** 1. A licensed certification authority or subscriber shall use only a trustworthy system:

- (1) To issue, suspend or revoke a certificate;
- (2) To publish or give notice of the issuance, suspension or revocation of a certificate; and
- (3) To create a private key.

2. A licensed certification authority shall disclose any material certification practice statement, and any fact material to either the reliability of a certificate which it has issued or its ability to perform its services. A certification authority may require a signed, written and reasonably specific inquiry from an identified person, and payment of reasonable compensation, as conditions precedent to effecting a disclosure required in this subsection.]

**[28.627. CERTIFICATE ISSUED TO SUBSCRIBER, CONDITIONS REQUIRED TO BE SATISFIED — POWERS AND DUTIES OF LICENSEES AND THE DIVISION. —** 1. A licensed certification authority may issue a certificate to a subscriber only after all of the following conditions are satisfied:

(1) The certification authority has received a request for issuance signed by the prospective subscriber; and

(2) The certification authority has confirmed that:

(a) The prospective subscriber is the person to be listed in the certificate to be issued;

(b) If the prospective subscriber is acting through one or more agents, the subscriber authorized the agent or agents to have custody of the subscriber's private key and to request issuance of a certificate listing the corresponding public key;

(c) The information in the certificate to be issued is accurate after due diligence;

(d) The prospective subscriber rightfully holds the private key corresponding to the public key to be listed in the certificate;

(e) The prospective subscriber holds a private key capable of creating a digital signature; and

(f) The public key to be listed in the certificate can be used to verify a digital signature affixed by the private key held by the prospective subscriber;

(3) The requirements of this subsection may not be waived or disclaimed by the licensed certification authority or the subscriber.

2. (1) If the subscriber accepts the issued certificate, the certification authority shall publish a signed copy of the certificate in a recognized repository agreed upon by the certification authority and the subscriber named in the certificate, unless the contract between the certification authority and the subscriber provides otherwise;

(2) If the subscriber does not accept the certificate, a licensed certification authority shall not publish the certificate or shall cancel its publication if the certificate has already been published.

3. Nothing in this section precludes a licensed certification authority from conforming to standards, certification practice statements, security plans, or contractual requirements more rigorous than, but consistent with, sections 28.600 to 28.678.

4. (1) A licensed certification authority which has issued a certificate:

(a) Shall revoke a certificate immediately upon confirming that it was not issued as required by this section; or

(b) May suspend, for a reasonable period of time not to exceed forty-eight hours, a certificate which it has issued in order to conduct an investigation to confirm grounds for revocation pursuant to paragraph (a) of this subdivision;

(2) The certification authority shall give notice of the revocation or suspension to the subscriber as soon as practicable.

5. (1) The division may order the licensed certification authority to suspend or revoke a certificate which the certification authority issued if, after giving the certification authority and subscriber any required notice and opportunity for a hearing in accordance with chapter 536, RSMo, the division determines that:

(a) The certificate was issued without substantial compliance with this section; and

(b) The noncompliance poses a significant risk to persons reasonably relying on the certificate;

(2) The division may suspend a certificate for a reasonable period of time not to exceed forty-eight hours upon determining that an emergency requires an immediate remedy.]

**[28.630. LICENSEES' WARRANTY TO SUBSCRIBERS — PUBLICATION OF CERTIFICATE, EFFECT. —** 1. (1) By issuing a certificate, a licensed certification authority warrants to the subscriber named in the certificate that:

(a) The certificate contains no information known to the certification authority to be false;

(b) The certificate satisfies all material requirements of sections 28.600 to 28.678; and

(c) The certification authority has not exceeded any limits of its license in issuing the certificate;

(2) The certification authority may not disclaim or limit the warranties of this subsection.

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2. Unless the subscriber and certification authority otherwise agree, a certification authority, by issuing a certificate, shall:

(1) Act promptly to suspend or revoke a certificate in accordance with sections 28.639 and 28.642; and

(2) Notify the subscriber within a reasonable time of any facts known to the certification authority which significantly affect the validity or reliability of the certificate once it is issued.

3. By issuing a certificate, a licensed certification authority certifies to all who reasonably rely on the information contained in the certificate that:

(1) The information in the certificate and listed as confirmed by the certification authority is accurate;

(2) All foreseeable information material to the reliability of the certificate is stated or incorporated by reference within the certificate;

(3) The subscriber has accepted the certificate; and

(4) The licensed certification authority has complied with all applicable laws of this state governing issuance of the certificate.

4. By publishing a certificate, a licensed certification authority certifies to the repository in which the certificate is published and to all who reasonably rely on the information contained in the certificate that the certification authority has issued the certificate to the subscriber.]

**[28.633. SUBSCRIBER CERTIFIES TO PERSONS RELYING ON INFORMATION CONTAINED IN CERTIFICATES COMPLIANCE WITH REQUIREMENTS. —** 1. By accepting a certificate issued by a licensed certification authority, the subscriber listed in the certificate certifies to all who reasonably rely on the information contained in the certificate that:

(1) The subscriber rightfully holds the private key corresponding to the public key listed in the certificate;

(2) All representations made by the subscriber to the certification authority and material to information listed in the certificate are true;

(3) All material representations made by the subscriber to a certification authority or made in the certificate and not confirmed by the certification authority in issuing the certificate are true.

2. An agent, requesting on behalf of a principal that a certificate be issued naming the principal as subscriber, certifies that the agent:

(1) Holds all authority legally required to apply for issuance of a certificate naming the principal as subscriber; and

(2) Has authority to sign digitally on behalf of the principal, and, if that authority is limited in any way, that adequate safeguards exist to prevent a digital signature exceeding the bounds of the person's authority.

3. A person may not disclaim or contractually limit the application of this section, or obtain indemnity for its effects, if the disclaimer, limitation or indemnity restricts liability for misrepresentation as against persons reasonably relying on the certificate.

4. (1) By accepting a certificate, a subscriber undertakes to indemnify the issuing certification authority for any loss or damage caused by issuance or publication of a certificate in reliance on a false and material representation of fact by the subscriber, or the failure by the subscriber to disclose a material fact if the representation or failure to disclose was made either with intent to deceive the certification authority or a person relying on the certificate or was made with negligence;

(2) If the certification authority issued the certificate at the request of an agent of the subscriber, the agent personally undertakes to indemnify the certification authority pursuant to subdivision (1) of this subsection as if the agent was an accepting subscriber in his or her own right. The indemnity provided in subdivision (1) of this subsection may not be disclaimed or contractually limited in scope, however, a contract may provide consistent, additional terms regarding the indemnification.

5. In obtaining information of the subscriber material to the issuance of a certificate, the certification authority may require the subscriber to certify the accuracy of relevant information under oath or affirmation of truthfulness and under penalty of criminal prohibitions against false, sworn statements.]

**[28.636. PRIVATE KEY, SUBSCRIBER ACCEPTING CERTIFICATE, DUTIES. —** 1. By accepting a certificate issued by a licensed certification authority, the subscriber identified in the certificate assumes a duty to exercise reasonable care to retain control of the private key and prevent its disclosure to any person not authorized to create the subscriber's digital signature.

2. A private key is the personal property of the subscriber who rightfully holds it.

3. If a certification authority holds the private key corresponding to a public key as a fiduciary of the subscriber named in the certificate, the certification authority may use that private key only with the subscriber's prior, written approval, unless the subscriber expressly permits the certification authority to hold the private key according to other terms.]

**[28.639. TEMPORARY SUSPENSION OF CERTIFICATE, WHEN, PROCEDURE, TERMINATION OF SUSPENSION, PROCEDURE — MISREPRESENTATION MADE TO OBTAIN SUSPENSION, PENALTY. —** 1. (1) Unless the certification authority and the subscriber agree otherwise, the licensed certification authority which issued a certificate which is not a transactional certificate shall suspend the certificate for a period not exceeding forty-eight hours:

(a) Upon request by a person identifying himself or herself as the subscriber named in the certificate, or as a person in a position likely to know of a compromise of the security of the subscriber's private key, such as an agent, business associate, employee or member of the immediate family of the subscriber; or

(b) By order of the division pursuant to subsection 5 of section 28.627;

(2) The certification authority need not confirm the identity or agency of the person requesting suspension pursuant to paragraph (a) of subdivision (1) of this subsection.

2. (1) Unless the certificate provides otherwise or the certificate is a transactional certificate, the division, a court clerk, or county clerk may suspend a certificate issued by a licensed certification authority for a period of forty-eight hours, if:

(a) A person requests suspension and identifies himself or herself as the subscriber named in the certificate or as an agent, business associate, employee or member of the immediate family of the subscriber; and

(b) The requester represents that the certification authority which issued the certificate is unavailable;

(2) The division, court clerk or county clerk may:

(a) Require the person requesting suspension pursuant to subdivision (1) of this subsection to provide evidence, including a statement under oath or affirmation, regarding any information described in subdivision (1) of this subsection; and

(b) Suspend or decline to suspend the certificate in its discretion;

(3) The division, attorney general or county attorney may investigate suspensions by the division, a court clerk or a county clerk for possible wrongdoing by persons requesting suspension pursuant to subdivision (1) of this subsection.

3. (1) Immediately upon suspension of a certificate by a licensed certification authority, the licensed certification authority shall publish notice, signed by the licensed certification authority, of the suspension in any repositories specified in the certificate for publication of notice of suspension. If any repository specified in the certificate no longer exists or refuses to accept publication, or is no longer recognized pursuant to section 28.672, the licensed certification authority shall publish the notice in any recognized repository;

(2) If a certificate is suspended by the division, a court clerk or county clerk, the division or clerk shall give notice as required in subdivision (1) of this subsection for a licensed

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certification authority, provided that the person requesting suspension pays in advance any fee required by a repository for publication of the notice of suspension.

4. A certification authority shall terminate a suspension initiated by request only:

(1) If the subscriber named in the suspended certificate requests termination of the suspension and the certification authority has confirmed that the person requesting suspension is the subscriber or an agent of the subscriber authorized to terminate the suspension; or

(2) When the certification authority discovers and confirms that the request for the suspension was made without authorization by the subscriber, provided that this subdivision does not require the certification authority to confirm a request for suspension.

5. The contract between a subscriber and a licensed certification authority may limit or preclude requested suspension by the certification authority, or may provide otherwise for termination of a requested suspension. However, if the contract limits or precludes suspension by the division, a court clerk or a county clerk when the issuing certification authority is unavailable, the limitation or preclusion shall be effective only if notice of the limitation or preclusion is published in the certificate.

6. A person may not knowingly or intentionally misrepresent to a certification authority his or her identity or authorization in requesting suspension of a certificate. Violation of this subsection is a class B misdemeanor.

7. While the certificate is suspended, the subscriber is released from the duty to keep the private key secure pursuant to subsection 1 of section 28.636.]

**[28.642. REVOCATION OF CERTIFICATE, EXCEPTION — PROCEDURE. —** 1. A licensed certification authority shall revoke a certificate which it issued, but which is not a transactional certificate, after:

(1) Receiving a request for revocation by the subscriber named in the certificate; and

(2) Confirming that the person requesting revocation is that subscriber, or is an agent of that subscriber with authority to request the revocation.

2. A licensed certification authority shall confirm a request for revocation and revoke a certificate within one business day after receiving both a subscriber's written request and evidence reasonably sufficient to confirm the identity and any agency of the person requesting the suspension.

3. A licensed certification authority shall revoke a certificate which it issued:

(1) Upon receiving a certified copy of the subscriber's death certificate, or upon confirming by other evidence that the subscriber is dead; or

(2) Upon presentation of documents effecting a dissolution of the subscriber, or upon confirming by other evidence that the subscriber has been dissolved or has ceased to exist.

4. A licensed certification authority may revoke one or more certificates which it issued if the certificates are or become unreliable, regardless of whether the subscriber consents to the revocation.

5. Immediately upon revocation of a certificate by a licensed certification authority, the licensed certification authority shall publish signed notice of the revocation in any repository specified in the certificate for publication of notice of revocation. If any repository specified in the certificate no longer exists or refuses to accept publication, or is no longer recognized pursuant to section 28.672, the licensed certification authority shall publish the notice in any recognized repository.

6. A subscriber ceases to certify the information, as provided in section 28.633, and has no further duty to keep the private key secure, as required by section 28.636, in relation to a certificate whose revocation the subscriber has requested, beginning with the earlier of either:

(1) When notice of the revocation is published as required in subsection 5 of this section;

or

(2) Two business days after the subscriber requests revocation in writing, supplies to the issuing certification authority information reasonably sufficient to confirm the request, and pays any contractually required fee.

7. Upon notification as required by subsection 5 of this section, a licensed certification authority is discharged of its warranties based on issuance of the revoked certificate and ceases to certify the information, as provided in section 28.630, in relation to the revoked certificate.]

**[28.645. EXPIRATION DATE TO BE STATED IN CERTIFICATE — DUTIES DISCHARGED ON EXPIRATION.** — A certificate shall indicate the date on which it expires. When a certificate expires, the subscriber and certification authority cease to certify the information in the certificate as provided in sections 28.600 to 28.678 and the certification authority is discharged of its duties based on issuance of that certificate.]

**[28.648. LIMITED RELIANCE SPECIFIED IN CERTIFICATE, EFFECT.** — 1. By specifying a recommended reliance limit in a certificate, the issuing certification authority and the accepting subscriber recommend that persons rely on the certificate only to the extent that the total amount at risk does not exceed the recommended reliance limit.

2. Unless a licensed certification authority waives application of this subsection, a licensed certification authority is:

(1) Not liable for any loss caused by reliance on a false or forged digital signature of a subscriber, if, with respect to the false or forged digital signature, the certification authority complied with all material requirements of sections 28.600 to 28.678;

(2) Not liable in excess of the amount specified in the certificate as its recommended reliance limit for either:

(a) A loss caused by reliance on a misrepresentation in the certificate of any fact that the licensed certification authority is required to confirm; or

(b) Failure to comply with section 28.627 in issuing the certificate;

(3) Liable only for direct, compensatory damages in any action to recover a loss due to reliance on the certificate, which damages do not include:

(a) Punitive or exemplary damages;

(b) Damages for lost profits, savings or opportunity; or

(c) Damages for pain or suffering.]

**[28.651. GUARANTY, RIGHTS OF RECOVERY — QUALIFIED RIGHT TO RECOVERY, REQUIREMENTS.** — 1. (1) Notwithstanding any provision in the suitable guaranty to the contrary:

(a) If the suitable guaranty is a surety bond, a person may recover from the surety the full amount of a qualified right to payment against the principal named in the bond, or, if there is more than one such qualified right to payment during the term of the bond, a ratable share, up to a maximum total liability of the surety equal to the amount of the bond; or

(b) If the suitable guaranty is a letter of credit, a person may recover from the issuing financial institution the full amount of a qualified right to payment against the customer named in the letter of credit, or, if there is more than one qualified right to payment during the term of the letter of credit, a ratable share, up to a maximum total liability of the issuer equal to the amount of the credit;

(2) Claimants may recover successively on the same suitable guaranty, provided that the total liability on the suitable guaranty to all persons making claims based upon qualified rights of payment during its term may not exceed the amount of the suitable guaranty.

2. To recover a qualified right to payment against a surety or issuer of a suitable guaranty, the claimant shall file written notice of the claim with the division stating the name and address of the claimant, the amount claimed, and the grounds for the qualified right to payment, and any other information required by rule of the division.

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3. Recovery of a qualified right to payment from the proceeds of the suitable guaranty shall be forever barred unless:

- (1) The claimant substantially complies with subsection 2 of this section; and
- (2) Notice of the claim is filed within two years after the occurrence of the violation of any of sections 28.600 to 28.678 which is the basis for the claim.]

**[28.654. DIGITAL SIGNATURE SUFFICIENT, WHEN. —** 1. Where a rule of law requires a signature, or provides for certain consequences in the absence of a signature, that rule is satisfied by a digital signature if:

- (1) That digital signature is verified by reference to the public key listed in a valid certificate issued by a licensed certification authority;
- (2) That digital signature was affixed by the signer with the intention of signing the message; and

(3) The recipient has no knowledge or notice that the signer either:

- (a) Breached a duty as a subscriber; or
- (b) Does not rightfully hold the private key used to affix the digital signature.

2. Nothing in sections 28.600 to 28.678 precludes any symbol from being valid as a signature pursuant to other applicable law.

3. This section does not limit the authority of the department of revenue to prescribe the form of tax returns or other documents filed with the department of revenue.]

**[28.657. DIGITAL SIGNATURE RECIPIENT ASSUMES RISK OF FORGERY, WHEN — REFUSAL TO RELY, PROCEDURE. —** Unless otherwise provided by law or contract, the recipient of a digital signature assumes the risk that a digital signature is forged, if reliance on the digital signature is not reasonable under the circumstances. If the recipient determines not to rely on a digital signature pursuant to this section, the recipient shall promptly notify the signer of its determination not to rely on the digital signature.]

**[28.660. MESSAGE IS VALID AS IF WRITTEN, WHEN. —** 1. A message is as valid, enforceable and effective as if it had been written on paper, if it:

- (1) Bears in its entirety a digital signature; and
- (2) That digital signature is verified by the public key listed in a certificate which:
  - (a) Was issued by a licensed certification authority; and
  - (b) Was valid at the time the digital signature was created.

2. Nothing in this chapter precludes any message, document or record from being considered written or in writing pursuant to other applicable state law.]

**[28.663. DIGITALLY SIGNED MESSAGES AS ENFORCEABLE AS ORIGINAL, EXCEPTION. —** A copy of a digitally signed message is as effective, valid and enforceable as the original of the message, unless it is evident that the signer designated an instance of the digitally signed message to be a unique original, in which case only that instance constitutes the valid, effective and enforceable message.]

**[28.666. ISSUED CERTIFICATE IS AN ACKNOWLEDGMENT OF A DIGITAL SIGNATURE VERIFIED BY REFERENCE TO PUBLIC KEY AS LISTED IN CERTIFICATE. —** Unless otherwise provided by law or contract, a certificate issued by a licensed certification authority is an acknowledgment of a digital signature verified by reference to the public key listed in the certificate, regardless of whether words of an express acknowledgment appear with the digital signature or whether the signer physically appeared before the certification authority when the digital signature was created, if that digital signature is:

- (1) Verifiable by that certificate; and
- (2) Affixed when that certificate was valid.]

**[28.669. PRESUMPTIONS BY COURT INVOLVING A DIGITAL SIGNATURE DISPUTE.** — In adjudicating a dispute involving a digital signature, a court of this state shall presume that:

(1) A certificate digitally signed by a licensed certification authority and either published in a recognized repository or made available by the issuing certification authority or by the subscriber listed in the certificate is issued by the certification authority which digitally signed it and is accepted by the subscriber listed in it;

(2) The information listed in a valid certificate, as defined in section 28.606, and confirmed by a licensed certification authority issuing the certificate is accurate;

(3) If a digital signature is verified by the public key listed in a valid certificate issued by a licensed certification authority, it shall have the same force and effect as the use of a manual signature; and

(4) A digital signature was created before it was time-stamped by a disinterested person utilizing a trustworthy system.]

**[28.672. REPOSITORY BY WRITTEN REQUEST MAY APPLY TO DIVISION FOR RECOGNITION, REQUIREMENTS.** — 1. A repository may apply to the division for recognition by filing a written request and providing evidence to the division that the repository meets the requirements of subsection 2 of this section. The division shall determine whether to grant or deny the request in the manner provided for adjudicative proceedings in chapter 536, RSMo.

2. The division shall recognize a repository, after finding that the repository:

(1) Is operated under the direction of a licensed certification authority;

(2) Includes a database containing:

(a) Certificates published in the repository;

(b) Notices of suspended or revoked certificates published by licensed certification authorities or other persons suspending or revoking certificates as provided in sections 28.639 and 28.642;

(c) Certification authority disclosure records for licensed certification authorities;

(d) All orders or advisory statements published by the division in regulating certification authorities; and

(e) Other information as determined by rule of the division;

(3) Operates by means of a trustworthy system;

(4) Contains no significant amount of information which the division finds is known or likely to be untrue, inaccurate or not reasonably reliable;

(5) Contains certificates published by certification authorities required to conform to rules of practice which the division finds to be substantially similar to, or more stringent toward the certification authorities, than those of this state;

(6) Keeps an archive of certificates that have been suspended or revoked, or that have expired within at least the past three years; and

(7) Complies with other requirements prescribed by rule of the division.

3. The division's recognition of a repository may be discontinued upon the repository's written request for discontinuance filed with the division at least thirty days before discontinuance.

4. The division may discontinue recognition of a repository:

(1) Upon passage of an expiration date specified by the division in granting recognition;

or

(2) In accordance with the procedures for adjudicative proceedings prescribed by chapter 536, RSMo, if the division concludes that the repository no longer satisfies the conditions for recognition listed in this section or in rules of the division.]

**[28.675. REPOSITORY IS LIABLE FOR LOSS, WHEN.** — 1. Notwithstanding any disclaimer by the repository or any contract to the contrary between the repository, a certification authority,

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or a subscriber, a repository is liable for a loss incurred by a person reasonably relying on a digital signature verified by the public key listed in a suspended or revoked certificate if:

(1) The loss was incurred more than one business day after receipt by the repository of a request to publish notice of the suspension or revocation; and

(2) The repository had failed to publish the notice of suspension or revocation when the person relied on the digital signature.

2. Unless waived, a recognized repository or the owner or operator of a recognized repository is:

(1) Not liable:

(a) For failure to publish notice of a suspension or revocation, unless the repository has received notice of publication and one business day has elapsed since the notice was received;

(b) For any damages pursuant to subsection 1 of this section in excess of the amount specified in the certificate as the recommended reliance limit;

(c) For misrepresentation in a certificate published by a licensed certification authority;

(d) For accurately recording or reporting information which a licensed certification authority, the division, a county clerk or court clerk has published as provided in sections 28.600 to 28.678, including information about suspension or revocation of a certificate; or

(e) For reporting information about a certification authority, a certificate or a subscriber, if such information is published as provided in sections 28.600 to 28.678 or a rule of the division, or is published by order of the division in the performance of its licensing and regulatory duties pursuant to sections 28.600 to 28.678; and

(2) Liable pursuant to subsection 1 of this section only for direct compensatory damages, which do not include:

(a) Punitive or exemplary damages;

(b) Damages for lost profits, savings or opportunity; or

(c) Damages for pain or suffering.]

**[28.678. RECORDS EXEMPT FROM DISCLOSURE.** — The following governmental entity records are exempt from chapter 610, RSMo, and are not considered public records for the purposes of that chapter:

(1) Records containing information that would disclose, or might lead to the disclosure of private keys, asymmetric cryptosystems or algorithms; or

(2) Records, the disclosure of which might jeopardize the security of an issued certificate or a certificate to be issued.]

**[28.681. STATEMENTS, DOCUMENTS OR NOTICES MAY BE FILED, TRANSMITTED AND STORED IN AN ELECTRONIC FORMAT, EXCEPTIONS — DUPLICATES NOT REQUIRED — PERSONAL SIGNATURES SHALL BE SATISFIED BY ELECTRONICALLY TRANSMITTED IDENTIFICATION, WHEN.** — 1. Any statement, document or notice required or permitted to be filed with or transmitted by the secretary of state, or any judicial decree requiring the filing of such document, except any document or judicial decree relating to his or her statutory or constitutional duties relating to elections, may be filed, transmitted, stored and maintained in an electronic format prescribed by the secretary of state. No statement, document or notice submitted or filed in an electronic format need be submitted or filed in duplicate. Nothing in this section shall require the secretary of state to accept or transmit any statement, document or notice in an electronic format.

2. Any statutory requirement that a statement, document or notice filed with the secretary of state be signed by any person shall be satisfied by an electronically transmitted identification in a format prescribed by the secretary of state.

3. Any requirement that a statement, document or notice filed with the secretary of state be notarized may be satisfied by a properly authenticated identification in a format prescribed by the secretary of state. The execution of any statement, document or notice pursuant to this

subsection constitutes an affirmation under penalty of perjury that the facts stated therein are true and that such person or persons are duly authorized to execute such statement, document or notice, or are otherwise required to file such statement, document or notice.

4. The secretary of state may promulgate rules pursuant to the provisions of section 536.024, RSMo, to effectuate the provisions of this section.]

Approved June 9, 2003

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## HB 261 [HB 261]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Designates U.S. highway 65 within this state as "American Legion Memorial Highway".**

AN ACT to amend chapter 227, RSMo, by adding thereto one new section relating to designation of a state entity.

### SECTION

A. Enacting clause.

227.335. American Legion Memorial Highway — portion of U.S. highway 65.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 227, RSMo, is amended by adding thereto one new section, to be known as section 227.335, to read as follows:

**227.335. AMERICAN LEGION MEMORIAL HIGHWAY — PORTION OF U.S. HIGHWAY 65.** — **The portion of U.S. highway 65 located within this state from the Missouri-Iowa border south to the Missouri-Arkansas border, except where otherwise designated, shall be designated the "American Legion Memorial Highway".**

Approved June 24, 2003

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## HB 267 [SS SCS HS HB 267]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Permits noncharter counties to enact ordinances relating to the administration of county government.**

AN ACT to repeal sections 49.091, 49.095, 49.170, 49.266, 49.267, 49.268, 49.269, 49.273, 49.278, 49.370, 49.380, 60.010, 67.1775, and 473.730, RSMo, and section 67.399, RSMo, as enacted by senate committee substitute for house substitute for house committee for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 67.399, RSMo, as enacted by senate committee substitute for house bill no. 1352, eighty-ninth general assembly, second regular session, and section 150.150 as enacted by house bill no. 1566, eighty-seventh general assembly, second regular session and section

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150.150 as enacted by house substitute for house committee substitute for senate bill no. 579, eighty-seventh general assembly, second regular session, and to enact in lieu thereof twelve new sections relating to county commissions, with penalty provisions.

#### SECTION

- A. Enacting clause.
- 49.170. Terms of commission, when held.
- 49.266. County commission by orders or ordinance may regulate use of county property, traffic, and parking.
- 49.278. Governing body may provide certain benefits for county employees, procedure.
- 49.370. Site for county building.
- 49.650. Certain county ordinances and resolutions authorized relating to county property and affairs — submission to voters.
- 60.010. Surveyor to be elected in certain counties — qualifications — term.
- 64.907. Certain storm water discharge rules and ordinances authorized for certain counties — administration — imposition of tax authorized, ballot language.
- 67.399. Registration fee for violations of housing codes — municipalities and St. Louis County — investigation — appeal — lien on property, when.
- 67.1775. Authorizes local sales tax in all counties and St. Louis City to provide community services for children — establishes fund.
- 150.150. Collection of fees.
- 473.730. Public administrators — qualifications — election — oath — bond — public administrator deemed public office, duties — salaried public administrators deemed county officials.
- 1. Adequate bookkeeping and accounting system to be established by county collector in certain counties using data processing system of record keeping (all noncharter counties).
- 49.091. County commission to inspect county-owned lands and buildings — report to be filed with and signed by county clerk (third and fourth class counties).
- 49.095. Additional duties of county commissioners (second class counties).
- 49.267. County commission may set speed limits, where (second class counties).
- 49.268. Emergency vehicles exempted — exception to limits authorized in sections 49.267 to 49.269 (second class counties).
- 49.269. Violation of sections 49.267, 49.268 and 49.269 a misdemeanor (second class counties).
- 49.273. County commission may provide workers' compensation for county employees (first and second class counties).
- 49.380. Superintendent to select and purchase building site, when.
- 67.399. Registration fee for violations of housing codes — municipalities and St. Louis County — investigation — appeal — lien on property, when.
- 150.150. Collection of fees.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 49.091, 49.095, 49.170, 49.266, 49.267, 49.268, 49.269, 49.273, 49.278, 49.370, 49.380, 60.010, 67.1775, and 473.730, RSMo, and section 67.399, RSMo, as enacted by senate committee substitute for house substitute for house committee for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 67.399, RSMo, as enacted by senate committee substitute for house bill no. 1352, eighty-ninth general assembly, second regular session, section 150.150 as enacted by house bill no. 1566, eighty-seventh general assembly, second regular session and section 150.150 as enacted by house substitute for house committee substitute for senate bill no. 579, eighty-seventh general assembly, second regular session, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 49.170, 49.266, 49.278, 49.370, 49.650, 60.010, 64.907, 67.399, 67.1775, 150.150, 473.730, and 1, to read as follows:

**49.170. TERMS OF COMMISSION, WHEN HELD.** — Four terms of the county commission shall be held in each county annually, at the place of holding commission meetings therein, commencing on the first Mondays in [February, May, August and November] **January, April, July, and October**. The county commissions may alter the times for holding their stated terms, giving notice thereof in such manner as to them shall seem expedient; provided, that in counties now containing or that may hereafter contain seventy-five thousand or more inhabitants, and where county commissions are now or may hereafter be held at more places than one and at

other places than the county seat, the terms of the commission shall be held monthly and alternately at the county seat and such other place as may be provided for the holding of a meeting, and each monthly term shall commence on the first Monday in each month.

**49.266. COUNTY COMMISSION BY ORDERS OR ORDINANCE MAY REGULATE USE OF COUNTY PROPERTY, TRAFFIC, AND PARKING.** — 1. The county commission in [first class] all counties **of the first, second or fourth classification** may by order or ordinance promulgate reasonable regulations concerning the use of county property, the hours, conditions, methods and manner of such use and the regulation of pedestrian and vehicular traffic and parking thereon.

2. Violation of any regulation so adopted is an infraction.

3. The regulations so adopted shall be codified, printed and made available for public use and adequate signs concerning smoking, traffic and parking regulations shall be posted.

**49.278. GOVERNING BODY MAY PROVIDE CERTAIN BENEFITS FOR COUNTY EMPLOYEES, PROCEDURE.** — 1. The county governing body in all counties may contribute to the cost of a plan, including a plan underwritten by insurance, for furnishing all or a part of hospitalization or medical expenses, life insurance, or similar benefits for elected officials and their employees, and to appropriate and utilize its revenues and other available funds for these purposes.

2. No contract shall be entered into by the county to purchase any insurance policy or policies pursuant to the terms of this section unless such contract shall have been submitted to competitive bidding and such contract be awarded to the lowest and best bidder.

3. **The governing authority of all counties may provide, in addition to any other programs or plans, workers' compensation, health insurance, life insurance, and retirement plans for all county employees.**

**49.370. SITE FOR COUNTY BUILDING.** — 1. The county commission shall designate the place whereon to erect any county building, on any land belonging to such county, at the established seat of justice thereof. **If there is no suitable ground belonging to said county within the limits of the original town known as the established seat of justice, the county commission shall select a proper piece of ground anywhere within the corporate limits of the town known as the county seat, and may purchase or receive by donation a lot or lots of ground for that purpose, and shall take a good and sufficient deed in fee simple for the same to the county, and shall make report to the circuit court at its next sitting.**

2. The provisions of subsection 1 of this section notwithstanding, any county may acquire, own, erect, operate, manage, and maintain buildings and property outside the limits of the established seat of justice, so long as the buildings or property is located within the county.

**49.650. CERTAIN COUNTY ORDINANCES AND RESOLUTIONS AUTHORIZED RELATING TO COUNTY PROPERTY AND AFFAIRS — SUBMISSION TO VOTERS.** — 1. **The governing authority of each county of the first, second, or fourth classification without a charter form of government shall have the power to adopt ordinances or resolutions relating to its property, affairs, and local government for which no provision has been made in the constitution of this state or state statute regarding the following:**

(1) County roads controlled by the county;

(2) Emergency management, as it specifically relates to the actual occurrence of a natural or man-made disaster of major proportions within the county when the safety and welfare of the inhabitants of such county are jeopardized;

(3) Nuisance abatement, excluding agricultural and horticultural property as defined in section 137.016, RSMo;

(4) Stormwater control, excluding agricultural and horticultural property as defined in section 137.016, RSMo;

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- (5) The promotion of economic development for job creation purposes; and
- (6) Parks and recreation.

If any such ordinance, order, or resolution conflicts with a municipal, fire protection district, or ambulance district ordinance, the provisions of such municipality, fire protection district, or ambulance district shall prevail within the corporate boundaries of the municipality, of such municipality, fire protection district, or ambulance district. All ordinances adopted pursuant to this section shall remain effective until repealed or amended by the governing authority, except that the general assembly shall have the power to further define, broaden, limit, or otherwise regulate the power of each such county to adopt ordinances, resolutions, or regulations.

2. The governing body of each county of the first, second, or fourth classification without a charter form of government may submit to the qualified voters of the county any ordinance, resolution, or regulation proposed pursuant to this section for the approval of the qualified voters of the county. Any ordinance, resolution, or regulation submitted to the qualified voters pursuant to this section shall become effective if a majority of the qualified voters voting on the ordinance, resolution, or regulation are in favor of its adoption, but no ordinance, resolution, or regulation shall become effective if a majority of the qualified voters voting on the ordinance, resolution, or regulation are opposed to its adoption.

3. Notwithstanding any other provision of this section to the contrary, no tax or fee shall be submitted to the voters of the county unless the tax or fee has been authorized by statute by the general assembly.

4. No county of the first, second, or fourth classification shall have the power to adopt any ordinance, resolution, or regulation pursuant to this section governing any railroad company, telecommunications or wireless companies, public utilities, rural electric cooperatives, or municipal utilities.

**60.010. SURVEYOR TO BE ELECTED IN CERTAIN COUNTIES — QUALIFICATIONS — TERM. — 1.** At the regular general election in the year 1948, and every four years thereafter, the voters of each county of this state in [classes two, three and four] **counties of the second, third, and fourth classification** shall elect a registered land surveyor as county surveyor, who shall hold his office for four years and until his successor is duly elected, commissioned and qualified. The person elected shall be commissioned by the governor.

2. No person shall be elected or appointed surveyor unless he be a citizen of the United States, over the age of twenty-one years, be a registered land surveyor, and shall have resided within the state one whole year. An elected surveyor shall have resided within the county for which he is elected six months immediately prior to his election and shall after his election continue to reside within the county for which he is surveyor. An appointed surveyor need not reside within the county for which he is surveyor.

3. Notwithstanding the provisions of subsection 1 of this section, or any other law to the contrary, the county commission of any county of the third or fourth classification may appoint a surveyor following a general election in which the office of surveyor is on the ballot, if no qualified candidate seeks said office. The appointed surveyor shall serve at the pleasure of the county commission, however, an appointed surveyor shall forfeit said office once a qualified individual, who has been duly elected at a regularly scheduled general election where the office of surveyor is on the ballot and who has been commissioned by the governor, takes office. The county commission shall fix appropriate compensation, which need not be equal to that of an elected surveyor.

**64.907. CERTAIN STORM WATER DISCHARGE RULES AND ORDINANCES AUTHORIZED FOR CERTAIN COUNTIES — ADMINISTRATION — IMPOSITION OF TAX AUTHORIZED, BALLOT LANGUAGE. — 1.** Any county subject to Environmental Protection Agency rules 40 C.F.R.

Parts 9, 122, 123, and 124 concerning storm water discharges is authorized to adopt rules, regulations, or ordinances reasonably necessary to comply with such federal regulations including but not limited to rules, regulations, or ordinances which promote the best storm water management practices in regulating storm water discharges established by the Environmental Protection Agency.

2. Any county adopting rules, regulations, or ordinances under subsection 1 of this section is authorized to establish by rule, regulation, or ordinance a storm water control utility or other entity to administer any such rules, regulations, or ordinances adopted under subsection 1 of this section which shall include authority to impose user fees to fund the administration of such rules, regulations, or ordinances.

3. Any county adopting rules, regulations, or ordinances under subsection 1 of this section is authorized to establish by rule, regulation, or ordinance a storm water control utility tax in such amount as is deemed reasonable and necessary to fund public storm water control projects if such tax is approved by majority of the votes cast.

4. The tax authorized in this section shall be in addition to the charge for the storm water control and all other taxes imposed by law, and the proceeds of such tax shall be used by the county solely for storm water control. Such tax shall be stated separately from all other charges and taxes.

5. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall ..... (insert the name of the county) impose a tax on the charges for storm water control in ..... (name of county) at a rate of ..... (insert rate of percent) percent for the sole purpose of storm water control?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted pursuant to this section to the qualified voters of the county and such question is approved by a majority of the qualified voters of the county voting on the question.

**67.399. REGISTRATION FEE FOR VIOLATIONS OF HOUSING CODES — MUNICIPALITIES AND ST. LOUIS COUNTY — INVESTIGATION — APPEAL — LIEN ON PROPERTY, WHEN. — 1.** The governing body of any municipality **or county with a charter form of government and with more than one million inhabitants** may, by ordinance, establish a semiannual registration fee not to exceed two hundred dollars which shall be charged to the owner of any parcel of residential property improved by a residential structure, or commercial property improved by a structure containing multiple dwelling units, that is vacant, has been vacant for at least six months, and is characterized by violations of applicable housing codes established by such municipality.

2. The municipality shall designate a municipal officer to investigate any property that may be subject to the registration fee. The officer shall report his findings and recommendations, and shall determine whether any such property shall be subject to the registration fee. Within five business days, the clerk of the municipality **or county with a charter form of government and with more than one million inhabitants** shall notify by mail the owners of property on which the registration fee has been levied at their last known address according to the records of the city and the county. The property owner shall have the right to appeal the decision of the office to the municipal court within thirty days of such notification. Absent the existence of any valid appeal or request for reconsideration pursuant to subsection 3 of this section, the registration fee

shall begin to accrue on the beginning of the second calendar quarter after the decision of the municipal officer.

3. Within thirty days of the municipality **or county with a charter form of government and with more than one million inhabitants** making such notification, the property owner may complete any improvements to the property that may be necessary to revoke the levy of the registration fee, and then may request a reinspection of the property and a reconsideration of the levy of the registration fee by the municipality **or county with a charter form of government and with more than one million inhabitants**. If the municipal **or county** officer revokes the registration fee, no such assessment shall be made and the matter shall be considered closed. If the [municipal] officer affirms the assessment of the registration fee, the property owner shall have the right to appeal the reconsideration decision of the [municipal] officer to the municipal court within thirty days of such decision. Absent the existence of any valid appeal to the municipal court or other court of competent jurisdiction, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the reconsideration decision of the municipal governing body.

4. The municipal governing body shall establish by ordinance procedures for payment of the registration fee and penalties for delinquent payments of such fees. Any registration fees which are delinquent for a period of one year shall become a lien on the property and shall be subject to foreclosure proceedings in the same manner as delinquent real property taxes. The owner of the property against which the assessment was originally made shall be able to redeem the property only by presenting evidence that the violations of the applicable housing code cited by the municipal officers have been cured and presenting payment of all registration fees and penalties. Upon bona fide sale of the property to an unrelated party said lien shall be considered released and the delinquent registration fee forgiven.

**67.1775. AUTHORIZES LOCAL SALES TAX IN ALL COUNTIES AND ST. LOUIS CITY TO PROVIDE COMMUNITY SERVICES FOR CHILDREN — ESTABLISHES FUND.** — 1. The governing body of a city not within a county, or any county of [the first classification with a charter form of government with a population not less than nine hundred thousand inhabitants, or any county of the first classification with a charter form of government with a population not less than two hundred thousand inhabitants and not more than six hundred thousand inhabitants, or any noncharter county of the first classification with a population not less than one hundred seventy thousand and not more than two hundred thousand inhabitants, or any noncharter county of the first classification with a population not less than eighty thousand and not more than eighty-three thousand inhabitants, or any third classification county with a population not less than twenty-eight thousand and not more than thirty thousand inhabitants, or any county of the third classification with a population not less than nineteen thousand five hundred and not more than twenty thousand inhabitants] **this state** may, after voter approval pursuant to this section, levy a sales tax not to exceed one-quarter of a cent in the county for the purpose of providing services described in section 210.861, RSMo, including counseling, family support, and temporary residential services to persons nineteen years of age or less. The question shall be submitted to the qualified voters of the county at a county or state general, primary or special election upon the motion of the governing body of the county or upon the petition of eight percent of the qualified voters of the county determined on the basis of the number of votes cast for governor in such county at the last gubernatorial election held prior to the filing of the petition. The election officials of the county shall give legal notice as provided in chapter 115, RSMo. The question shall be submitted in substantially the following form:

Shall ..... County be authorized to levy a sales tax of ..... (not to exceed one-quarter of a cent) in the county for the purpose of establishing a community children's services fund for the purpose of providing services to protect the well-being and safety of children and youth nineteen years of age or less and to strengthen families?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall be levied and collected as otherwise provided by law. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not be levied unless and until the question is again submitted to the qualified voters of the county and a majority of such voters are in favor of such a tax, and not otherwise.

2. All revenues generated by the tax prescribed in this section shall be deposited in the county treasury to the credit of a special "Community Children's Services Fund". Such fund shall be administered by a board of directors, established pursuant to section 210.861, RSMo.

**150.150. COLLECTION OF FEES.** — The collector shall, at the time of delivering such license, collect the sum of [five dollars] **up to twenty-five dollars, adjusted annually based on the consumer price index, not to exceed one hundred dollars**, in all counties [of the first classification] having a charter form of government and in any city not within a county [and twenty-five dollars] **which shall be set by such governing body**. In all other counties, the fee [herein allowed to the clerk for issuing the same] **shall be twenty-five dollars**; provided, that five dollars of any fees herein received by the collector shall be paid into the county or city treasury, as provided by law and twenty dollars shall be paid into the county employees' retirement fund created by sections 50.1000 to 50.1200, RSMo.

**473.730. PUBLIC ADMINISTRATORS — QUALIFICATIONS — ELECTION — OATH — BOND — PUBLIC ADMINISTRATOR DEEMED PUBLIC OFFICE, DUTIES — SALARIED PUBLIC ADMINISTRATORS DEEMED COUNTY OFFICIALS.** — 1. Every county in this state, and the city of St. Louis, shall elect a public administrator at the general election in the year 1880, and every four years thereafter, who shall be ex officio public guardian and conservator in and for the public administrator's county. **A candidate for public administrator shall be at least twenty-one years of age and a resident of the state of Missouri and the county in which he or she is a candidate for at least one year prior to the date of the general election for such office. The candidate shall also be a registered voter and shall be current in the payment of all personal and business taxes.** Before entering on the duties of the public administrator's office, the public administrator shall take the oath required by the constitution, and enter into bond to the state of Missouri in a sum not less than ten thousand dollars, with two or more securities, approved by the court and conditioned that the public administrator will faithfully discharge all the duties of the public administrator's office, which bond shall be given and oath of office taken on or before the first day of January following the public administrator's election, and it shall be the duty of the judge of the court to require the public administrator to make a statement annually, under oath, of the amount of property in the public administrator's hands or under the public administrator's control as such administrator, for the purpose of ascertaining the amount of bond necessary to secure such property; and such court may from time to time, as occasion shall require, demand additional security of such administrator, and, in default of giving the same within twenty days after such demand, may remove the administrator and appoint another.

2. The public administrator in all counties, in the performance of the duties required by chapters 473, 474, RSMo, and 475, RSMo, is a public officer. The duties specified by section 475.120, RSMo, are discretionary. The county shall defend and indemnify the public administrator against any alleged breach of duty, provided that any such alleged breach of duty arose out of an act or omission occurring within the scope of duty or employment.

3. After January 1, 2001, all salaried public administrators shall be considered county officials for purposes of section 50.333, RSMo, subject to the minimum salary requirements set forth in section 473.742.

**SECTION 1. ADEQUATE BOOKKEEPING AND ACCOUNTING SYSTEM TO BE ESTABLISHED BY COUNTY COLLECTOR IN CERTAIN COUNTIES USING DATA PROCESSING SYSTEM OF**

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**RECORD KEEPING (ALL NONCHARTER COUNTIES).** — 1. In all counties, other than counties of the first classification having a charter form of government, using data processing systems of record keeping, in addition to other duties provided by law, the county collector and treasurer ex officio collector shall from the inception establish an adequate system of bookkeeping and accounting, authorize and prescribe the method and manner of calculation, extension and collection of taxes, and specify the format of the tax books, and the form and manner of preparation of tax bills.

2. Any computer enhancements, changes, modifications, or any purchases of new or additional computer software or equipment shall interface with the computer software and equipment in use, so that any such changes and procedures shall not interrupt, cause suffering or any loss of mechanical or electronic performances to the office or offices whose duties are directly affected by such procedural changes.

**[49.091. COUNTY COMMISSION TO INSPECT COUNTY-OWNED LANDS AND BUILDINGS — REPORT TO BE FILED WITH AND SIGNED BY COUNTY CLERK (THIRD AND FOURTH CLASS COUNTIES).** — 1. In counties of the third and fourth classification, the county commission or the county commission's designee shall, on or before the tenth day of the first month in each calendar quarter of each year, make a personal examination and inspection of all county lands and buildings, including the county farm, and shall prepare a report to be filed, as a matter of public record, with the county clerk not later than twenty days after such examination. The report shall contain a detailed statement of the physical condition and the state of repair of all such county lands and buildings, the use to which they are currently put, and a statement of the farm operations of the county, if any, the condition of growing crops and the amount of grain or other produce on hand.

2. The reports required by this section shall be signed by the county clerk.]

**[49.095. ADDITIONAL DUTIES OF COUNTY COMMISSIONERS (SECOND CLASS COUNTIES).** — 1. The county commissioners in counties of the second class shall:

(1) Make a personal examination and inspection of all county lands and buildings, including the county farm, on or before the tenth day of the first month in each calendar quarter of each year, and prepare a report to be filed, as a matter of public record, with the county auditor not later than twenty days after the examination. The report shall contain a detailed statement of the physical condition and the state of repair of all county lands and buildings, the use to which they are currently put, and a statement of the farm operations of the county, if any, the condition of growing crops and the amount of grain or other produce on hand;

(2) Inspect and inventory all office equipment and machines, road machinery, farm supplies, equipment and produce on hand and all other personal property belonging to the county of an original value of two hundred fifty dollars or more of whatsoever kind or description annually, on or before the tenth day of October. The inventory shall list the property by keeping a continuous annual inventory of each item identified by descriptive name, and on manufactured goods the manufacturer's serial number, model, age and estimated market value, and there shall be attached to each inventory a statement or explanation of any material changes over that of the previous year, showing in particular the disposition of any county property, the reason for its disposal, to whom disposed and the amount received therefor.

2. The reports required by this section may be signed by all the commissioners or if any commissioner is in disagreement with any statement contained therein, he may refuse to sign the report and shall issue his own minority report.]

**[49.267. COUNTY COMMISSION MAY SET SPEED LIMITS, WHERE (SECOND CLASS COUNTIES).** — Notwithstanding other provisions of law, the county commission of any county of the second class may set a speed limit on any county road, not within the limits of any incorporated city, town, or village, lower than that otherwise provided by law. However, in no

case shall the speed limit be set lower than twenty-five miles per hour. The commission shall send copies of any such order to the superintendent of the state highway patrol. After the roads have been properly marked by signs indicating the speed limits set by the county commission, the speed limits so set shall be in full force and effect.]

**[49.268. EMERGENCY VEHICLES EXEMPTED — EXCEPTION TO LIMITS AUTHORIZED IN SECTIONS 49.267 TO 49.269 (SECOND CLASS COUNTIES).** — The limits on speed set by section 49.267 do not apply to the operation of any emergency vehicle as defined in section 304.022, RSMo. Nothing in sections 49.267 to 49.269 shall make the speeds prescribed therein lawful in a situation that requires lower speed for compliance with the basic rule declared in subsection 1 of section 304.010, RSMo.]

**[49.269. VIOLATION OF SECTIONS 49.267, 49.268 AND 49.269 A MISDEMEANOR (SECOND CLASS COUNTIES).** — Any person who violates any provision of sections 49.267 to 49.269 is guilty of a class C misdemeanor.]

**[49.273. COUNTY COMMISSION MAY PROVIDE WORKERS' COMPENSATION FOR COUNTY EMPLOYEES (FIRST AND SECOND CLASS COUNTIES).** — The county commission in all counties of the first and second class, including those having a charter form of government, may elect to accept the provisions of chapter 287, RSMo, governing workers' compensation.]

**[49.380. SUPERINTENDENT TO SELECT AND PURCHASE BUILDING SITE, WHEN.** — If there is no suitable ground for that purpose belonging to said county within the limits of the original town known as the established seat of justice, the superintendent shall select a proper piece of ground anywhere within the corporate limits of the town known as the county seat, and may purchase or receive by donation a lot or lots of ground for that purpose, and shall take a good and sufficient deed in fee simple for the same to the county, and shall make report of his proceedings to the county commission and the circuit court at its next sitting.]

**[67.399. REGISTRATION FEE FOR VIOLATIONS OF HOUSING CODES — MUNICIPALITIES AND ST. LOUIS COUNTY — INVESTIGATION — APPEAL — LIEN ON PROPERTY, WHEN.** — 1. The governing body of any municipality contained wholly or partially within a county with a population of over six hundred thousand and less than nine hundred thousand may adopt an ordinance as provided in this section. The ordinance may establish a semiannual registration fee not to exceed two hundred dollars which shall be charged to the owner of any parcel of residential property improved by a residential structure, or commercial property improved by a structure containing multiple dwelling units, that is vacant, has been vacant for at least six months, and is characterized by violations of applicable housing codes established by such municipality.

2. The municipality shall designate a municipal officer to investigate any property that may be subject to the registration fee. The officer shall report his findings and recommendations, and shall determine whether any such property shall be subject to the registration fee. Within five business days, the clerk of the municipality shall notify by mail the owners of property on which the registration fee has been levied at their last known address according to the records of the city and the county. The property owner shall have the right to appeal the decision of the office to the municipal court within thirty days of such notification. Absent the existence of any valid appeal or request for reconsideration pursuant to subsection 3 of this section, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the decision of the municipal officer.

3. Within thirty days of the municipality making such notification, the property owner may complete any improvements to the property that may be necessary to revoke the levy of the registration fee, and then may request a reinspection of the property and a reconsideration of the

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levy of the registration fee by the municipality. If the municipal officer revokes the registration fee, no such assessment shall be made and the matter shall be considered closed. If the municipal officer affirms the assessment of the registration fee, the property owner shall have the right to appeal the reconsideration decision of the municipal officer to the municipal court within thirty days of such decision. Absent the existence of any valid appeal to the municipal court or other court of competent jurisdiction, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the reconsideration decision of the municipal governing body.

4. The municipal governing body shall establish by ordinance procedures for payment of the registration fee and penalties for delinquent payments of such fees. Any registration fees which are delinquent for a period of one year shall become a lien on the property and shall be subject to foreclosure proceedings in the same manner as delinquent real property taxes. The owner of the property against which the assessment was originally made shall be able to redeem the property only by presenting evidence that the violations of the applicable housing code cited by the municipal officers have been cured and presenting payment of all registration fees and penalties. Upon bona fide sale of the property to an unrelated party said lien shall be considered released and the delinquent registration fee forgiven.]

**[150.150. COLLECTION OF FEES.** — Except as otherwise provided in this section, the collector shall, at the time of delivering such license, collect the sum of five dollars, the fee allowed in this section to the clerk for issuing the license, except that any fees herein received by the collector shall be paid into the county or city treasury, as provided by law. In any county of the first classification with a charter form of government which contains all or part of a city with a population of three hundred fifty thousand or more inhabitants, the collector shall, at the time of delivering such license, collect a fee set by the governing body of the county, except that such fee shall not exceed one hundred dollars and the governing body of the county may, in lieu of altering the fee otherwise prescribed in this section, elect to not collect any fee for the issuance and delivery of such licenses.]

Approved July 11, 2003

## HB 277 [HCS HB 277]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Authorizes removal of property from the Springfield community improvement district.**

AN ACT to amend chapter 67, RSMo, by adding thereto one new section relating to community improvement districts.

### SECTION

- A. Enacting clause.
- 67.1442. Certain cities, removal of real property from district or change in class designation, purpose, procedure (Springfield).

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 67, RSMo, is amended by adding thereto one new section, to be known as section 67.1442, to read as follows:

**67.1442. CERTAIN CITIES, REMOVAL OF REAL PROPERTY FROM DISTRICT OR CHANGE IN CLASS DESIGNATION, PURPOSE, PROCEDURE (SPRINGFIELD).** — Upon the written request of any real property owner within any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants, the governing body of the municipality may hold a public hearing for the removal of real property from such district or a change in designation of the class of real property for the purpose of the types of services to be received or fees, taxes, or assessments to be levied, and such real property may be removed from such district or have its class designation changed to another class of the same district, provided that:

- (1) The board consents to the removal of such property;
- (2) The district can meet its obligations without the revenues generated by or on the real property proposed to be removed from the district or proposed to have its class designation changed; and
- (3) The public hearing is conducted in the same manner as required by section 67.1431 with notice of the hearing given in the same manner as required by section 67.1431, except that postage prepaid first class mail shall be sufficient notice by mail for purposes of this section, and such notice shall include:
  - (a) The date, time, and place of the public hearing;
  - (b) The name of the district;
  - (c) The boundaries by street location, or other readily identifiable means if no street location exists of the real property proposed to be removed from the district or proposed to have its class designation changed, and a map illustrating the boundaries of the existing district and the real property proposed to be removed; and
  - (d) A statement that all interested persons shall be given an opportunity to be heard at the public hearing.

Approved July 9, 2003

## HB 286 [SS SCS HB 286]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Extends the sunset on the federal hospital reimbursement allowance program to 2006.**

AN ACT to repeal sections 208.480, 208.565, 338.501, 338.515, 338.520, 338.525, 338.545, and 338.550, RSMo, and to enact in lieu thereof seven new sections relating to the health care programs, with an emergency clause for a certain section.

### SECTION

- A. Enacting clause.
- 208.477. Medicaid eligibility, criteria used, effect when more restrictive than FY2003.
- 208.478. Graduate medical education and enhanced graduate medical education, amount of Medicaid payments — contingent expiration for federal reimbursement allowance.
- 208.480. Federal reimbursement allowance to expire September 30, 2004.
- 208.565. Rebates, amount, use of.
- 338.515. Effective date of tax.
- 338.520. Calculation of tax liability — notification to pharmacies — quarterly adjustment authorized.
- 338.550. Expiration date of tax, when.
- 338.501. Use of tax proceeds.
- 338.525. Credit for gross receipts included in assessment for federal reimbursement allowance or nursing facility reimbursement allowance.
- 338.545. Medicaid pharmacy dispensing fee, adjustment made, amount.

B. Emergency clause.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 208.480, 208.565, 338.501, 338.515, 338.520, 338.525, 338.545, and 338.550, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 208.477, 208.478, 208.480, 208.565, 338.515, 338.520, and 338.550, to read as follows:

**208.477. MEDICAID ELIGIBILITY, CRITERIA USED, EFFECT WHEN MORE RESTRICTIVE THAN FY 2003.** — 1. For each state fiscal year, if the criteria used to determine eligibility for Medicaid coverage under a section 1115 waiver are more restrictive than those in place in state fiscal year 2003, the division of medical services shall:

(1) Reduce the federal reimbursement allowance assessment for that fiscal year. The reduction shall equal the amount of federal reimbursement allowance appropriated to fund the section 1115 waiver in state fiscal year 2002 multiplied by the percentage decrease in Medicaid waiver enrollment as a result of using the more restrictive waiver eligibility standards; and

(2) Increase cost of the uninsured payments for that fiscal year. The increased payments shall offset the higher uninsured costs resulting from the use of more restrictive Medicaid waiver eligibility criteria, as determined by the department of social services.

**208.478. GRADUATE MEDICAL EDUCATION AND ENHANCED GRADUATE MEDICAL EDUCATION, AMOUNT OF MEDICAID PAYMENTS — CONTINGENT EXPIRATION FOR FEDERAL REIMBURSEMENT ALLOWANCE.** — 1. For each state fiscal year beginning on or after July 1, 2003, the amount of appropriations made to fund Medicaid graduate medical education and enhanced graduate medical education payments pursuant to subsections (19) and (21) of 13 CSR 70-15.010 shall not be less than the amount paid for such purposes for state fiscal year 2002.

2. Sections 208.453 to 208.480 shall expire one hundred eighty days after the end of any state fiscal year in which the requirements of subsection 1 of this section were not met, unless during such one hundred eighty day period, payments are adjusted prospectively by the director of the department of social services to comply with the requirements of subsection 1 of this section.

**208.480. FEDERAL REIMBURSEMENT ALLOWANCE TO EXPIRE SEPTEMBER 30, 2004.** — Notwithstanding the provisions of section 208.471 to the contrary, sections 208.453 to 208.480 shall expire on September 30, [2004] 2005.

**208.565. REBATES, AMOUNT, USE OF.** — 1. The division shall negotiate with manufacturers for participation in the program. The division shall issue a certificate of participation to pharmaceutical manufacturers participating in the Missouri Senior Rx program. A pharmaceutical manufacturer may apply for participation in the program with an application form prescribed by the commission. A certificate of participation shall remain in effect for an initial period of not less than one year and shall be automatically renewed unless terminated by either the manufacturer or the state with sixty days' notification.

2. For all transactions occurring prior to July 1, 2003, the rebate amount for each drug shall be fifteen percent of the average manufacturers' price as defined pursuant to 42 U.S.C. 1396r-8(k)(1). For all transactions occurring on or after July 1, 2003, the rebate amount for [each drug] name brand prescription drugs shall be fifteen percent and the rebate amount for generic prescription drugs shall be eleven percent of the average manufacturers' price as defined pursuant to 42 U.S.C. 1396r-8(k)(1). No other discounts shall apply. In order

to receive a certificate of participation a manufacturer or distributor participating in the Missouri Senior Rx program shall provide the division of aging the average manufacturers' price for their contracted products. The following shall apply to the providing of average manufacturers' price information to the division of aging:

(1) Any manufacturer or distributor with an agreement under this section that knowingly provides false information is subject to a civil penalty in an amount not to exceed one hundred thousand dollars for each provision of false information. Such penalties shall be in addition to other penalties as prescribed by law;

(2) Notwithstanding any other provision of law, information disclosed by manufacturers or wholesalers pursuant to this subsection or under an agreement with the division pursuant to this section is confidential and shall not be disclosed by the division or any other state agency or contractor therein in any form which discloses the identity of a specific manufacturer or wholesaler or prices charged for drugs by such manufacturer or wholesaler, except to permit the state auditor to review the information provided and the division of medical services for rebate administration.

3. All rebates received through the program shall be used toward refunding the program. If a pharmaceutical manufacturer refuses to participate in the rebate program, such refusal shall not affect the manufacturer's status under the current Medicaid program. There shall be no drug formulary, prior approval system, or any similar restriction imposed on the coverage of outpatient drugs made by pharmaceutical manufacturers who have agreements to pay rebates for drugs utilized in the Missouri Senior Rx program, provided that such outpatient drugs were approved by the Food and Drug Administration.

4. Any prescription drug of a manufacturer that does not participate in the program shall not be reimbursable.

**338.515. EFFECTIVE DATE OF TAX.** — The tax imposed by sections 338.500 to 338.550 shall become effective July 1, [2002] **2003**, or the effective date of sections 338.500 to 338.550, whichever is later.

**338.520. CALCULATION OF TAX LIABILITY — NOTIFICATION TO PHARMACIES — QUARTERLY ADJUSTMENT AUTHORIZED.** — 1. The determination of the amount of tax due shall be the monthly gross retail prescription receipts reported to the department of revenue multiplied by the tax rate established by rule by the department of social services. Such tax rate may be a graduated rate based on gross retail prescription receipts and shall not exceed a rate of six percent per annum of gross retail prescription receipts; provided, that such rate shall not exceed one-tenth of one percent per annum in the case of licensed pharmacies of which eighty percent or more of such gross receipts are attributable to prescription drugs that are delivered directly to the patient via common carrier, by mail, or a courier service.

2. The department of social services shall notify each licensed retail pharmacy of the amount of tax due. Such amount may be paid in increments over the balance of the assessment period.

**3. The department of social services may adjust the tax rate quarterly on a prospective basis. The department of social services may adjust more frequently for individual providers if there is a substantial and statistically significant change in their pharmacy sales characteristics. The department of social services may define such adjustment criteria by rule.**

**338.550. EXPIRATION DATE OF TAX, WHEN.** — 1. The pharmacy tax required by sections 338.500 to 338.550 shall [be the subject of an annual health care cost impact study commissioned by the department of insurance to be completed prior to or on January 1, 2003, and each year the tax is in effect. The report shall be submitted to the speaker of the house, president pro tem of the senate, and the governor. This study shall employ an independent

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economist and an independent actuary paid for by the state's department of social services. The department shall seek the advice and input from the department of social services, business health care purchasers, as well as health care insurers in the selection of the economist and actuary. This study shall assess the degree of health care costs shifted to individual Missourians and individual and group health plans resulting from this tax.

2.] expire ninety days after any one or more of the following conditions are met:

(1) The aggregate dispensing fee paid to pharmacists per prescription is less than the fiscal year 2003 dispensing fees reimbursement amount; or

(2) The formula used to calculate the reimbursement for products dispensed by pharmacies is changed resulting in lower reimbursement in the aggregate than provided in fiscal year 2003; or

(3) June 30, 2005.

The provisions of sections 338.500 to 338.550 shall not apply to pharmacies domiciled or headquartered outside this state which are engaged in prescription drug sales that are delivered directly to patients within this state via common carrier, mail or a carrier service.

[3.] 2. Sections 338.500 to 338.550 shall expire on June 30, [2003] 2005.

**[338.501. USE OF TAX PROCEEDS.** — In fiscal year 2003, the amount generated by the tax imposed pursuant to section 338.500, less any amount paid pursuant to section 338.545, shall be used in the formula necessary to qualify for the calculations included in house bill 1102, section 2.325 through section 2.333 as passed by the ninety-first general assembly, second regular session.]

**[338.525. CREDIT FOR GROSS RECEIPTS INCLUDED IN ASSESSMENT FOR FEDERAL REIMBURSEMENT ALLOWANCE OR NURSING FACILITY REIMBURSEMENT ALLOWANCE.** — If a pharmacy's gross retail prescription receipts are included in the revenue assessed by the federal reimbursement allowance or the nursing facility reimbursement allowance, the proportion of those taxes paid or the entire tax due shall be allowed as a credit for the pharmacy tax due pursuant to section 338.500.]

**[338.545. MEDICAID PHARMACY DISPENSING FEE, ADJUSTMENT MADE, AMOUNT.** — 1. The Medicaid pharmacy dispensing fee shall be adjusted to include a supplemental payment amount equal to the tax assessment due plus ten percent.

2. The amount of the supplemental payment shall be adjusted once annually beginning July first or once annually after the initial start date of the pharmacy tax, whichever is later.

3. If the pharmacy tax required by sections 338.500 to 338.550 is declared invalid, the pharmacy dispensing fee for the Medicaid program shall be the same as the amount required on July 1, 2001.]

**SECTION B. EMERGENCY CLAUSE.** — Because immediate action is necessary to ensure the fiscal stability of the Senior Rx program, the repeal and reenactment of sections 208.565 and 338.500 to 338.550 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 208.565 and 338.500 to 338.550 of this act shall be in full force and effect upon its passage and approval.

Approved June 26, 2003

## HB 289 [CCS SS SCS HCS HB 289]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Creates the Missouri Downtown Economic Stimulus Act.**

AN ACT to repeal sections 71.620, 99.845, 100.010, 100.050, 100.105, 100.180, 100.710, 100.840, 100.850, 135.207, 135.400, 135.431, 135.500, 135.503, 135.516, 135.520, 162.1100, 178.892, and 348.015, RSMo, and to enact in lieu thereof seventy new sections relating to tax incentives for economic development, with an expiration date for certain sections, an emergency clause for certain sections and an effective date for a certain section.

**SECTION**

- A. Enacting clause.
  - 71.620. Imposition of tax or license fee on certain professions prohibited — imposition of tax or fee prohibited unless business office maintained.
  - 99.845. Tax increment financing adoption — division of ad valorem taxes — payments in lieu of tax, deposit, inclusion and exclusion of current equalized assessed valuation for certain purposes, when — other taxes included, amount — supplemental tax increment financing fund established, disbursement.
  - 99.915. Title — funding exclusions — act supersedes other inconsistent laws.
  - 99.918. Definitions.
  - 99.919. Out-of-state business, projects that relocate, calculation of new net revenues.
  - 99.921. Downtown economic stimulus authority authorized, limitations.
  - 99.924. Board of commissioners to govern authority, exception — appointment of commissioners, terms, vacancies.
  - 99.927. Powers of authority exercised by board — quorum requirements, meetings, officers, expenses, removal.
  - 99.930. Contracts, authority may transact business, when — validity of authority not to be challenged, when.
  - 99.933. Authority to be public body corporate and politic, powers — disclosure of conflicts of interest — disadvantaged business enterprise to be approved (Kansas City, St. Louis City, St. Louis County).
  - 99.936. Disposal of real property.
  - 99.939. Fund established for community development corporations (Kansas City, St. Louis County, St. Louis City, Boone County) — fund administration — diversion of certain sales tax revenues to general revenue fund — grants and loans awarded.
  - 99.942. Development plan, contents — goal for certain projects (Kansas City, St. Louis City, St. Louis County, Boone County) — adoption of development plan, procedure.
  - 99.945. Permission needed for designation of development area outside boundaries of municipality.
  - 99.948. Powers of municipality creating authority — powers authorized to authority — public hearings held, when.
  - 99.951. Adoption of authorizing ordinance, public hearings to be held — notice for hearing, contents.
  - 99.954. Financing project costs, issuance of obligations permitted, procedure — immunity from liability for obligations — retiring or refinancing debt, restrictions.
  - 99.957. Adoption of development financing by ordinance — county assessor to determine total equalized assessed value — calculation of ad valorem taxes — allocation of economic activity taxes.
  - 99.958. Endowment, Carnegie Research I University, private funds needed for one-half of endowment.
  - 99.960. Disbursement of project costs, approval of department required — application, contents — finance board to make determination — cap on disbursements — time limitations on disbursements — development costs defined — projects ineligible for TIFs, when — rulemaking authority.
  - 99.963. State supplemental downtown development fund established, moneys in fund, use of moneys, disbursements — rulemaking authority.
  - 99.965. Termination of development financing, when, procedure — dissolution of special fund and termination of designated area.
  - 99.968. Debt service levies, computation of.
  - 99.971. Joint committee of general assembly to review economic stimulus act, when — report to be submitted, when.
  - 99.975. Application approvals, limitations.
  - 99.980. Businesses relocating in development area, authority to report to department, when — status of development plan, report to be submitted, contents — access to project sites — annual financial statements required.
  - 99.1000. Definitions.
  - 99.1006. Rural economic stimulus authority authorized, limitations.
  - 99.1009. Board of commissioners to govern authority — appointment of commissioners, terms, vacancies.
  - 99.1012. Powers of authority exercised by board — quorum requirements, meetings, officers, expenses, removal.
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- 99.1015. Contracts, authority may transact business, when — validity of authority not to be challenged, when.
- 99.1018. Authority to be public body corporate and politic, powers — disclosure of conflicts of interest.
- 99.1021. Disposal of real property.
- 99.1027. Developmental plan, contents, adoption of, procedure.
- 99.1030. Permission needed for designation of development area outside boundaries of municipality.
- 99.1033. Powers of municipality creating authority — powers authorized to authority — public hearings held, when.
- 99.1036. Adoption of authorizing ordinance, public hearings to be held — notice for hearing, contents.
- 99.1039. Financing project costs, issuance of obligations permitted, procedure — immunity from liability for obligations — retiring or refinancing debt, limitations.
- 99.1042. Adoption of development financing by ordinance — county assessor to determine total equalized assessed value — calculation of ad valorem taxes — allocation of economic activity taxes.
- 99.1043. Endowment, Carnegie Research I University, private funds needed for one-half of endowment.
- 99.1045. Disbursement of project costs, approval required by agriculture and small business development authority — application, contents — cap on disbursements — time limitations on disbursements — rulemaking authority.
- 99.1048. State supplemental rural development fund established, moneys in fund, use of moneys, disbursements — rulemaking authority.
- 99.1051. Termination of development financing, when, procedure — dissolution of special fund and termination of designated area.
- 99.1054. Debt service levies, computation of.
- 99.1057. Joint committee of general assembly to review rural economic stimulus act, when — report to be submitted, when.
- 99.1060. Businesses relocating in development area, authority to report to department, when — status report submitted, contents — access to project sites — annual financial statements required.
- 100.010. Definitions.
- 100.050. Approval of plan by governing body of municipality — information required — additional information required, when — payments in lieu of taxes, applied how.
- 100.060. Notice of proposed project for industrial development, when, contents — limitation on indebtedness, inclusions — applicability, limitation.
- 100.105. Municipality to file annual report on bond issuances with department, content.
- 100.180. Municipality's power to enter into loans, sales, leases or mortgages — terms — requirements.
- 100.710. Definitions.
- 100.840. Board, powers to borrow money — issue and sell certificates — sale or exchange of refunding certificates — certificates not indebtedness of state.
- 100.850. Assessments remittal, job development assessment fee — company records available to board, when — when remitted assessment ceases — tax credit amount, cap, claiming credit — refunds.
- 135.207. Satellite zones may be established in certain cities or villages, requirements.
- 135.276. Definitions.
- 135.277. Taxable income of retained business facility exempt from income taxation, amount.
- 135.279. Tax credit, amount (Hazelwood Ford Plant) — calculation and limitations on credit.
- 135.281. Application for income tax refund (Hazelwood Ford Plant) — approval procedures.
- 135.283. Program application — approval by department — executed agreement required, contents.
- 135.400. Definitions.
- 135.431. Community development corporation formation — purpose — duties and powers — funding.
- 135.500. Title of law — definitions.
- 135.503. Amount of credit, how calculated, reduction — insurance companies not required to pay retaliatory tax, when — carry forward — limitation on amounts of certified capital, allocation of certified capital — notification of limitation.
- 135.516. Schedule of qualified investments — qualified distributions, when, requirements — qualified investment cost limit — company documents as closed records, when — company report to department of economic development.
- 135.517. Qualified investments, requirements.
- 135.520. Annual review by division of finance, report of findings — decertification, grounds, notice of noncompliance — notice of decertification, decertification.
- 162.1100. Transitional school district, governing board, members, powers and duties — taxation — school improvement plan, review by state board of education — accountability officer, duties — dissolution of district, when.
- 178.892. Definitions.
- 348.015. Definitions.
  - B. Contingent expiration of certain sections.
  - C. Emergency clause.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 71.620, 99.845, 100.010, 100.050, 100.105, 100.180, 100.710, 100.840, 100.850, 135.207, 135.400, 135.431, 135.500, 135.503, 135.516, 135.520, 162.1100, 178.892, and 348.015, RSMo, are repealed and seventy new sections enacted in lieu thereof, to be known as sections 71.620, 99.845, 99.915, 99.918, 99.919, 99.921, 99.924, 99.927, 99.930, 99.933, 99.936, 99.939, 99.942, 99.945, 99.948, 99.951, 99.954, 99.957, 99.958, 99.960, 99.963, 99.965, 99.968, 99.971, 99.975, 99.980, 99.1000, 99.1006, 99.1009, 99.1012, 99.1015, 99.1018, 99.1021, 99.1027, 99.1030, 99.1033, 99.1036, 99.1039, 99.1042, 99.1043, 99.1045, 99.1048, 99.1051, 99.1054, 99.1057, 99.1060, 100.010, 100.050, 100.060, 100.105, 100.180, 100.710, 100.840, 100.850, 135.207, 135.276, 135.277, 135.279, 135.281, 135.283, 135.400, 135.431, 135.500, 135.503, 135.516, 135.517, 135.520, 162.1100, 178.892, and 348.015, to read as follows:

**71.620. IMPOSITION OF TAX OR LICENSE FEE ON CERTAIN PROFESSIONS PROHIBITED** — **IMPOSITION OF TAX OR FEE PROHIBITED UNLESS BUSINESS OFFICE MAINTAINED.** — 1. Hereafter no person following for a livelihood the profession or calling of minister of the gospel, duly accredited Christian Science practitioner, teacher, professor in a college, priest, lawyer, certified public accountant, dentist, chiropractor, optometrist, chiropodist, or physician or surgeon in this state, shall be taxed or made liable to pay any municipal or other corporation tax or license fee of any description whatever for the privilege of following or carrying on such profession or calling, **and, after December 31, 2003, no investment funds service corporation as defined in section 143.451, RSMo, may be required to pay any such license fee in excess of twenty-five thousand dollars annually,** any law, ordinance or charter to the contrary notwithstanding.

2. No person following for a livelihood the profession of insurance agent or broker, veterinarian, architect, professional engineer, land surveyor, auctioneer, or real estate broker or salesman in this state, shall be taxed or made liable to pay any municipal or other corporation tax or license fee for the privilege of following or carrying on his profession by a municipality unless that person maintains a business office within that municipality.

**3. Notwithstanding any other provision of law to the contrary, after September 1, 2004, no village with less than one thousand three hundred inhabitants shall impose a business license tax in excess of ten thousand dollars per license.**

**99.845. TAX INCREMENT FINANCING ADOPTION — DIVISION OF AD VALOREM TAXES — PAYMENTS IN LIEU OF TAX, DEPOSIT, INCLUSION AND EXCLUSION OF CURRENT EQUALIZED ASSESSED VALUATION FOR CERTAIN PURPOSES, WHEN — OTHER TAXES INCLUDED, AMOUNT — SUPPLEMENTAL TAX INCREMENT FINANCING FUND ESTABLISHED, DISBURSEMENT.** — 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the

respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861, RSMo. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031, RSMo, until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X, of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, RSMo, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment

project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, or effective January 1, 1998, taxes levied for the purpose of public transportation pursuant to section 94.660, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, RSMo, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, RSMo, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. **In no event shall the incremental increase include any amounts attributable to retail sales unless the municipality or authority has proven to the Missouri development finance board and the department of economic development and such entities have made a finding that the sales tax increment attributable to retail sales is from**

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**new sources which did not exist in the state during the baseline year.** The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221, RSMo, at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, RSMo, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

- (h) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;
  - (i) The street address of the development site;
  - (j) The three-digit North American Industry Classification System number or numbers characterizing the development project;
  - (k) The estimated development project costs;
  - (l) The anticipated sources of funds to pay such development project costs;
  - (m) Evidence of the commitments to finance such development project costs;
  - (n) The anticipated type and term of the sources of funds to pay such development project costs;
  - (o) The anticipated type and terms of the obligations to be issued;
  - (p) The most recent equalized assessed valuation of the property within the development project area;
  - (q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;
  - (r) The general land uses to apply in the development area;
  - (s) The total number of individuals employed in the development area, broken down by full-time, part-time, and temporary positions;
  - (t) The total number of full-time equivalent positions in the development area;
  - (u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;
  - (v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time, and temporary positions;
  - (w) The number of new jobs to be created by any business benefitting from public expenditures in the development area, broken down by full-time, part-time, and temporary positions;
  - (x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;
  - (y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;
  - (z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;
  - (aa) A list of other community and economic benefits to result from the project;
  - (bb) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;
  - (cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this act is being sought;
  - (dd) A statement as to whether the development project may reduce employment at any other site, within or without of the State, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;
  - (ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;
  - (ff) A list of competing businesses in the county containing the development area and in each contiguous county;
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(gg) A market study for the development area;  
(hh) A certification by the chief officer of the applicant as to the accuracy of the development plan.

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the aggregate annual appropriation of the new state revenues for redevelopment areas exceed fifteen million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. All personnel and other costs incurred by the department of economic development for the administration and operation of subsections 4 to 12 of this section shall be paid from the state general revenue fund. On an annual basis, the general revenue fund shall be reimbursed for the full amount of such costs by the developer or developers of the project or projects for which municipalities have made tax increment financing applications for the appropriation of new state revenues, as provided for in subdivision (1) of subsection 10 of this section. The amount of costs charged to each developer shall be based upon the percentage arrived at by dividing the monetary amount of the application made by each municipality for a particular project by the total monetary amount of all applications received by the department of economic development.

**14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall**

not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues.

**99.915. TITLE — FUNDING EXCLUSIONS — ACT SUPERSEDES OTHER INCONSISTENT LAWS. — 1.** Sections 99.915 to 99.1060 shall be known and may be cited as the "Missouri Downtown and Rural Economic Stimulus Act".

**2.** Nothing in sections 99.915 to 99.1060 shall be construed to provide any funding for the construction, maintenance, or operation of any sports stadium, arena, or related facility which has as its intended purpose use for spectator events which seats over ten thousand persons.

**3.** Insofar as the provisions of sections 99.915 to 99.1060 are inconsistent with the provisions of any other law, the provisions of sections 99.915 to 99.1060 shall be controlling.

**99.918. DEFINITIONS. —** As used in sections 99.915 to 99.980, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Authority", the downtown economic stimulus authority for a municipality, created pursuant to section 99.921;

(2) "Baseline year", the calendar year prior to the adoption of an ordinance by the municipality approving a development project; provided, however, if economic activity taxes or state sales tax revenues, from businesses other than any out-of-state business or businesses locating in the development project area, decrease in the development project area in the year following the year in which the ordinance approving a development project is approved by a municipality, the baseline year may, at the option of the municipality approving the development project, be the year following the year of the adoption of the ordinance approving the development project. When a development project area is located within a county for which public and individual assistance has been requested by the governor pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq., for an emergency proclaimed by the governor pursuant to section 44.100, RSMo, due to a natural disaster of major proportions that occurred after May 1, 2003, but prior to May 10, 2003, and the development project area is a central business district that sustained severe damage as a result of such natural disaster, as determined by the state emergency management agency, the baseline year may, at the option of the municipality approving the development project, be the calendar year in which the natural disaster occurred or the year following the year in which the natural disaster occurred, provided that the municipality adopts an ordinance approving the development project within one year after the occurrence of the natural disaster;

(3) "Blighted area", an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use;

(4) "Central business district", the area at or near the historic core that is locally known as the "downtown" of a municipality that has a median household income of sixty-two thousand dollars or less, according to the last decennial census. In addition, at least

fifty percent of existing buildings in this area will have been built in excess of thirty-five years prior or vacant lots that had prior structures built in excess of thirty-five years prior to the adoption of the ordinance approving the redevelopment plan. The historical land use emphasis of a central business district prior to redevelopment will have been a mixed use of business, commercial, financial, transportation, government, and multifamily residential uses;

(5) "Collecting officer", the officer of the municipality responsible for receiving and processing payments in lieu of taxes, economic activity taxes other than economic activity taxes which are local sales taxes, and other local taxes other than local sales taxes, and, for local sales taxes and state taxes, the director of revenue;

(6) "Conservation area", any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more, and such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning;

(7) "Development area", an area designated by a municipality in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area or a conservation area, which area shall have the following characteristics:

(a) It includes only those parcels of real property directly and substantially benefitted by the proposed development plan;

(b) It can be renovated through one or more development projects;

(c) It is located in the central business district;

(d) It has generally suffered from declining population or property taxes for the twenty-year period immediately preceding the area's designation as a development area or has structures in the area fifty percent or more of which have an age of thirty-five years or more;

(e) It is contiguous, provided, however that a development area may include up to three noncontiguous areas selected for development projects, provided that each noncontiguous area meets the requirements of paragraphs (a) to (g) herein;

(f) The development area shall not exceed ten percent of the entire area of the municipality; and

(g) The development area shall not include any property that is located within the one hundred year flood plain, as designated by the Federal Emergency Management Agency flood delineation maps, unless such property is protected by a structure that is inspected and certified by the United States Army Corps of Engineers. Subject to the limitation set forth in this subdivision, the development area can be enlarged or modified as provided in section 99.951;

(8) "Development plan", the comprehensive program of a municipality to reduce or eliminate those conditions which qualified a development area as a blighted area or a conservation area, and to thereby enhance the tax bases of the taxing districts which extend into the development area through the reimbursement, payment, or other financing of development project costs in accordance with sections 99.915 to 99.980 and through the exercise of the powers set forth in sections 99.915 to 99.980. The development plan shall conform to the requirements of section 99.942;

(9) "Development project", any development project within a development area which constitutes a major initiative in furtherance of the objectives of the development plan, and any such development project shall include a legal description of the area selected for such development project;

(10) "Development project area", the area located within a development area selected for a development project;

(11) "Development project costs" include the such costs to the development plan or a development project, as applicable, which are expended on public property, buildings, or rights-of-ways for public purposes to provide infrastructure to support for a development project. Such costs shall only be allowed as an initial expense which, to be recoverable, must be included in the costs of a development plan or development project, except in circumstances of plan amendments approved by the Missouri development finance board and the department of economic development. Such infrastructure costs include, but are not limited to, the following:

(a) Costs of studies, appraisals, surveys, plans, and specifications;

(b) Professional service costs, including, but not limited to, architectural, engineering, legal, marketing, financial, planning, or special services;

(c) Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, and the clearing and grading of land;

(d) Costs of rehabilitation, reconstruction, repair, or remodeling of existing public buildings and fixtures;

(e) Costs of construction of public works or improvements;

(f) Financing costs, including, but not limited to, all necessary expenses related to the issuance of obligations issued to finance all or any portion of the infrastructure costs of one or more development projects, and which may include capitalized interest on any such obligations and reasonable reserves related to any such obligations;

(g) All or a portion of a taxing district's capital costs resulting from any development project necessarily incurred or to be incurred in furtherance of the objectives of the development plan, to the extent the municipality by written agreement accepts and approves such infrastructure costs;

(h) Payments to taxing districts on a pro rata basis to partially reimburse taxes diverted by approval of a development project;

(i) State government costs, including, but not limited to, the reasonable costs incurred by the department of economic development, the department of revenue and the office of administration in evaluating an application for and administering state supplemental downtown development financing for a development project; and

(j) Endowment of positions at an institution of higher education which has a designation as a Carnegie Research I University including any campus of such university system, subject to the provisions of section 99.958. In addition, economic activity taxes and payment in lieu of taxes may be expended on or used to reimburse any reasonable or necessary costs incurred or estimated to be incurred, in furtherance of a development plan or a development project;

(12) "Economic activity taxes", the total additional revenue from taxes which are imposed by the municipality and other taxing districts, and which are generated by economic activities within each development project area, which are not related to the relocation of any out-of-state business into the development project area, which exceed the amount of such taxes generated by economic activities within such development project area in the baseline year plus, in development project areas where the baseline year is the year following the year in which the development project is approved by the municipality pursuant to subdivision (2) of section 99.918, the total revenue from taxes which are imposed by the municipality and other taxing districts which is generated by

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economic activities within the development project area resulting from the relocation of an out-of-state business or out-of-state businesses to the development project area pursuant to section 99.919; but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees, or special assessments. If a retail establishment relocates within one year from one facility to another facility within the same county and the municipality or authority finds that the retail establishment is a direct beneficiary of development financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from taxes which are imposed by the municipality and other taxing districts which are generated by the economic activities within the development project area which exceed the amount of taxes which are imposed by the municipality and other taxing districts which are generated by economic activities within the development project area generated by the retail establishment in the baseline year;

(13) "Gambling establishment", an excursion gambling boat as defined in section 313.800, RSMo, and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850, RSMo;

(14) "Major initiative", a development project within a central business district that:

(a) Promotes tourism, cultural activities, arts, entertainment, education, research, arenas, multipurpose facilities, libraries, ports, mass transit, museums, or conventions, the estimated cost of which is in excess of the amount set forth below for the municipality, as applicable; or

(b) Promotes business location or expansion, the estimated cost of which is in excess of the amount set forth below for the municipality, and is estimated to create at least as many new jobs as set forth below within three years of such location or expansion:

Population of Municipality	Estimated Project Cost	New Jobs Created
300,000 or more	\$10,000,000	at least 100
100,000 to 299,999	\$ 5,000,000	at least 50
50,001 to 99,999	\$ 1,000,000	at least 10
50,000 or less	\$ 500,000	at least 5;

(15) "Municipality", any city, village, incorporated town, or any county of this state established on or prior to January 1, 2001;

(16) "New job", any job defined as a new job pursuant to subdivision (10) of section 100.710, RSMo;

(17) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by the municipality or authority, or other public entity authorized to issue such obligations pursuant to sections 99.915 to 99.980 to carry out a development project or to refund outstanding obligations;

(18) "Ordinance", an ordinance enacted by the governing body of any municipality or an order of the governing body of such a municipal entity whose governing body is not authorized to enact ordinances;

(19) "Other net new revenues", the amount of state sales tax increment or state income tax increment or the combination of the amount of each such increment as determined under section 99.960;

(20) "Out-of-state business", a business entity or operation that has been located outside of the state of Missouri prior to the time it relocates to a development project area;

(21) "Payment in lieu of taxes", those revenues from real property in each development project area, which taxing districts would have received had the municipality

not adopted a development plan and the municipality not adopted development financing, and which would result from levies made after the time of the adoption of development financing during the time the current equalized value of real property in such development project area exceeds the total equalized value of real property in such development project area during the baseline year until development financing for such development project area expires or is terminated pursuant to sections 99.915 to 99.980;

(22) "Special allocation fund", the fund of the municipality or its authority required to be established pursuant to section 99.957 which special allocation fund shall contain at least four separate segregated accounts into which payments in lieu of taxes are deposited in one account, economic activity taxes are deposited in a second account, other net new revenues are deposited in a third account, and other revenues, if any, received by the authority or the municipality for the purpose of implementing a development plan or a development project are deposited in a fourth account;

(23) "State income tax increment", up to fifty percent of the estimate of the income tax due the state for salaries or wages paid to new employees in new jobs at a business located in the development project area and created by the development project. The estimate shall be a percentage of the gross payroll which percentage shall be based upon an analysis by the department of revenue of the practical tax rate on gross payroll as a factor in overall taxable income;

(24) "State sales tax increment", up to one-half of the incremental increase in the state sales tax revenue in the development project area. In no event shall the incremental increase include any amounts attributable to retail sales unless the Missouri development finance board and the department of economic development are satisfied based on information provided by the municipality or authority, and such entities have made a finding that a substantial portion of all but a de minimus portion of the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase for an existing facility shall be the amount by which the state sales tax revenue generated at the facility exceeds the state sales tax revenue generated at the facility in the baseline year. The incremental increase in development project areas where the baseline year is the year following the year in which the development project is approved by the municipality pursuant to subdivision (2) of section 99.918, shall be the state sales tax revenue generated by out-of-state businesses relocating into a development project area. The incremental increase for a Missouri facility which relocates to a development project area shall be the amount by which the state sales tax revenue of the facility exceeds the state sales tax revenue for the facility in the calendar year prior to relocation;

(25) "State sales tax revenues", the general revenue portion of state sales tax revenues received pursuant to section 144.020, RSMo, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, RSMo, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law;

(26) "Taxing districts", any political subdivision of this state having the power to levy taxes; and

(27) "Taxing district's capital costs", those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from a development project.

**99.919. OUT-OF-STATE BUSINESS, PROJECTS THAT RELOCATE, CALCULATION OF NEW NET REVENUES.** — Notwithstanding anything contained in Sections 99.915 to 99.980 to the contrary, for development projects that result in the relocation of an out-of-state business or out-of-state businesses to the development project area, the portion of economic activity taxes, the state income tax increment, the state sales tax increment and other net new

revenues generated by such out-of-state business or businesses shall be calculated based upon the full amount of tax revenue generated by such out-of-state business or out-of-state businesses without reduction due to revenues generated in the baseline year.

**99.921. DOWNTOWN ECONOMIC STIMULUS AUTHORITY AUTHORIZED, LIMITATIONS.** — Each municipality may create an authority to be known as a "Downtown Economic Stimulus Authority"; provided, however:

(1) No such authority shall transact any business or exercise its powers pursuant to sections 99.915 to 99.980 until and unless the governing body of such municipality shall, in accordance with subsection 1 of section 99.948, approve, by ordinance, the exercise of the powers, functions, and duties of an authority under sections 99.915 to 99.980;

(2) No governing body of a municipality shall adopt an ordinance pursuant to subdivision (1) of this section unless it finds:

(a) That it would be in the interest of the public to consider the establishment of a development area in accordance with sections 99.915 to 99.980;

(b) That the development of such a development area would be in the interest of the public health, safety, morals, or welfare of the residents of such municipality; and

(c) That it is anticipated that such a development area can be renovated through a series of one or more development projects;

(3) Cities, villages, and census designated places located wholly within a county of the first classification with a population of more than one million, according to the last decennial census, shall undertake downtown development financing as allowed for pursuant to sections 99.915 to 99.980 through a countywide downtown economic stimulus authority. This countywide authority shall have the same powers, functions, and duties of an authority pursuant to sections 99.915 to 99.980. In addition, the countywide downtown economic stimulus authority shall be responsible for coordinating municipal downtown development financing activities in such a way as to discourage fiscal competition and promote mutual benefits among the affected local jurisdictions. Each countywide downtown economic stimulus authority shall be governed by a board of commissioners. In any county of the first classification with a population greater than one million, the authority shall be comprised of fifteen members. Three members shall be appointed by the county executive. Three members shall be appointed by the county council to represent class A cities and three members shall be appointed to represent class B cities, as both are defined in section 66.620, RSMo. The remaining six members shall be appointed by the county executive with the approval of the county council, of which members at least three will represent school districts within the county and the remainder shall represent other political subdivisions levying ad valorem taxes in the county. The term of office for each member shall be at the discretion of the appointing jurisdictions.

**99.924. BOARD OF COMMISSIONERS TO GOVERN AUTHORITY, EXCEPTION — APPOINTMENT OF COMMISSIONERS, TERMS, VACANCIES.** — Each authority created pursuant to section 99.921, except a countywide downtown economic stimulus authority created pursuant to subdivision (3) of section 99.921, shall be governed by a board of commissioners. The number of commissioners serving on the board of each authority shall be no less than five and no more than fourteen, which number shall be established by ordinance of the municipality of which one shall be a member of any local community development corporation, if one exists in the municipality, and one shall be an African American business owner in the municipality, if one exists. One of the initial commissioners appointed pursuant to this subsection shall be appointed by the school district or districts located within the development area for a term of three years. The other initial commissioners appointed pursuant to this subsection shall serve staggered terms of one, two, and three years as determined by the mayor or chief executive officer

of the municipality at the time of their appointment. Thereafter, successor commissioners shall be appointed by the mayor or chief executive officer of the municipality or the school district or districts making the initial appointments for a term of three years. All vacancies shall be filled by appointment of the mayor or chief executive officer of the municipality, or the school district or districts, for the unexpired term. In addition to the commissioners appointed in accordance with this subsection, a nonvoting advisor shall be appointed by the other taxing districts located within the development area.

**99.927. POWERS OF AUTHORITY EXERCISED BY BOARD — QUORUM REQUIREMENTS, MEETINGS, OFFICERS, EXPENSES, REMOVAL. — 1.** The powers of the authority created pursuant to section 99.921 shall be exercised by its board of commissioners. A majority of the commissioners shall constitute a quorum of such board for the purpose of conducting business and exercising the powers of the authority and for all other purposes. Action may be taken by the board upon a vote of a majority of the commissioners present in person or by teleconference, unless in any case the bylaws of the authority shall require a larger number. Meetings of the board of the authority may be held anywhere within the municipality.

**2.** The commissioners of the authority annually shall elect a chair and vice chair from among the commissioners; however, the first chair shall be designated by the mayor for a term of one year. The mayor or chief executive officer of the municipality shall serve as the co-chair of the authority. The authority may employ an executive director, technical experts, and such other officers, agents, and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. For such legal services as it may require, an authority may call upon the chief law officer of the municipality or may employ its own counsel and legal staff.

**3.** A commissioner of an authority shall receive no compensation for his or her services, but may receive the necessary expenses, including traveling expenses, incurred in the discharge of his or her duties. Each commissioner shall hold office until a successor has been appointed.

**4.** For inefficiency or neglect of duty or misconduct in office, a commissioner of an authority may be removed by the mayor or chief executive officer of the municipality.

**99.930. CONTRACTS, AUTHORITY MAY TRANSACT BUSINESS, WHEN — VALIDITY OF AUTHORITY NOT TO BE CHALLENGED, WHEN. — 1.** In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of an authority entered into pursuant to sections 99.915 to 99.980, such authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers under sections 99.915 to 99.980 upon proof of the adoption of the appropriate ordinance prescribed in section 99.921. Each such ordinance shall be deemed sufficient if it authorizes the exercise of powers under sections 99.915 to 99.980 by the authority and sets forth the findings of the municipality as required in subdivision (2) of section 99.921.

**2.** A copy of such ordinance duly certified by the clerk of the municipality shall be admissible in evidence in any suit, action, or proceeding.

**3.** No lawsuit to set aside the creation of an authority, the approval of a development plan, development project, development area or development project area, or a tax levied pursuant to sections 99.915 to 99.980, or to otherwise question the validity of the proceedings related thereto, shall be brought after the expiration of ninety days from the effective date of the ordinance or resolution in question.

**99.933. AUTHORITY TO BE PUBLIC BODY CORPORATE AND POLITIC, POWERS — DISCLOSURE OF CONFLICTS OF INTEREST — DISADVANTAGED BUSINESS ENTERPRISE TO BE APPROVED (KANSAS CITY, ST. LOUIS CITY, ST. LOUIS COUNTY). — 1.** The authority

created pursuant to section 99.921 shall constitute a public body corporate and politic, exercising public and essential governmental functions.

2. A municipality or an authority created pursuant to section 99.921 shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of sections 99.915 to 99.980, including the following powers in addition to others granted pursuant to sections 99.915 to 99.980:

(1) To prepare or cause to be prepared and approved development plans and development projects to be considered at public hearings in accordance with sections 99.915 to 99.980 and to undertake and carry out development plans and development projects which have been adopted by ordinance;

(2) To arrange or contract for the furnishing or repair, by any person or agency, public or private, of services, privileges, streets, roads, public utilities, or other facilities for or in connection with any development project; and notwithstanding anything to the contrary contained in sections 99.915 to 99.980 or any other provision of law, to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of any development project, and to include in any contract let in connection with any such development project provisions to fulfill such of the conditions as it may deem reasonable and appropriate;

(3) Within a development area, to acquire by purchase, lease, gift, grant, bequest, devise, obtain options upon, or otherwise acquire any real or personal property or any interest therein, necessary or incidental to a development project, all in the manner and at such price as the municipality or authority determines is reasonably necessary to achieve the objectives of a development plan;

(4) Within a development area, subject to provisions of section 99.936 with regard to the disposition of real property, to sell, lease, exchange, transfer, assign, subdivide, retain for its own use, mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real or personal property or any interest therein, all in the manner and at such price and subject to any covenants, restrictions, and conditions as the municipality or authority determines is reasonably necessary to achieve the objectives of a development plan; to make any such covenants, restrictions, or conditions as covenants running with the land, and to provide appropriate remedies for any breach of any such covenants, restrictions, or conditions, including the right in the municipality or authority to terminate such contracts and any interest in the property created pursuant thereto;

(5) Within a development area, to clear any area by demolition or removal of existing buildings and structures;

(6) To install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements as necessary or desirable for the preparation of a development area for use in accordance with a development plan;

(7) Within a development area, to fix, charge, and collect fees, rents, and other charges for the use of any real or personal property, or any portion thereof, in which the municipality or authority has any interest;

(8) To accept grants, guarantees, and donations of property, labor, or other things of value from any public or private source for purposes of implementing a development plan;

(9) In accordance with section 99.936, to select one or more developers to implement a development plan, or one or more development projects, or any portion thereof;

(10) To charge as a development project cost the reasonable costs incurred by the municipality or authority, the department of economic development, the Missouri development finance board, or the department of revenue in evaluating, administering, or implementing the development plan or any development project;

(11) To borrow money and issue obligations in accordance with sections 99.915 to 99.980 and provide security for any such loans or obligations;

(12) To insure or provide for the insurance of any real or personal property or operations of the municipality or authority against any risks or hazards, including the power to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate the purposes of sections 99.915 to 99.980;

(13) Within a development area, to renovate, rehabilitate, own, operate, construct, repair, or improve any improvements, buildings, parking garages, fixtures, structures, and other facilities;

(14) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to redeem obligations at the redemption price established therein or to purchase obligations at less than redemption price, all obligations so redeemed or purchased to be canceled;

(15) To borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the federal government, the state, county, municipality, or other public body or from any sources, public or private, for the purposes of implementing a development plan, to give such security as may be required and to enter into and carry out contracts in connection therewith. A municipality or authority, notwithstanding the provisions of any other law, may include in any contract for financial assistance with the federal government for a project such conditions imposed pursuant to federal law as the municipality or authority may deem reasonable and appropriate and which are not inconsistent with the purposes of sections 99.915 to 99.980;

(16) To incur development project costs and make such expenditures as may be necessary to carry out the purposes of sections 99.915 to 99.980; and to make expenditures from funds obtained from the federal government without regard to any other laws pertaining to the making and approval of appropriations and expenditures;

(17) To loan the proceeds of obligations issued pursuant to sections 99.915 to 99.980 for the purpose of providing for the purchase, construction, extension, or improvement of public infrastructure related to a development project by a developer pursuant to a development contract approved by the municipality or authority in accordance with subdivision (2) of section 99.936;

(18) To declare any funds, or any portion thereof, in the special allocation fund to be excess funds, so long as such excess funds have not been pledged to the payment of outstanding obligations or outstanding development project costs, are not necessary for the payment of development project costs incurred or anticipated to be incurred, and are not required to pay baseline state sales taxes and baseline state withholding taxes to the director of revenue. Any such funds deemed to be excess shall be disbursed in the manner of surplus funds as provided in section 99.965;

(19) To pledge or otherwise expend funds deposited to the special allocation fund, or any portion thereof, for the payment or reimbursement of development project costs incurred by the authority, the municipality, a developer selected by the municipality or authority, or any other entity with the consent of the municipality or authority; to pledge or otherwise expend funds deposited to the special allocation fund, or any portion thereof, or to mortgage or otherwise encumber its property, or any portion thereof, for the payment of obligations issued to finance development project costs; provided, however, any such pledge or expenditure of economic activity taxes or other net new revenues shall be subject to annual appropriation by the municipality; and

(20) To exercise all powers or parts or combinations of powers necessary, convenient, or appropriate to undertake and carry out development plans and any development

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projects and all the powers granted pursuant to sections 99.915 to 99.980, excluding powers of eminent domain.

2. If any member of the governing body of the municipality, a commissioner of the authority, or an employee or consultant of the municipality or authority, involved in the planning and preparation of a development project, owns or controls an interest, direct or indirect, in any property included in a development project area, the individual shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to a development project and from voting on any matter pertaining to such development project or communicating with other commissioners or members of the authority or the municipality concerning any matter pertaining to such development project. Furthermore, subject to the succeeding sentence, no such member, commissioner, employee, or consultant shall acquire any interest, direct or indirect, in any property in a development project area or proposed development project area, after either such individual obtains knowledge of a development project, or first public notice of such development project, or development project area pursuant to subsection 2 of section 99.951, whichever first occurs. At any time after one year from the adoption of an ordinance designating a development project area, any commissioner may acquire an interest in real estate located in a development project area so long as any such commissioner discloses such acquisition and refrains from voting on any matter related to the development project area in which the property acquired by such commissioner is located.

3. An authority created pursuant to section 99.921 shall have the following powers in addition to others granted pursuant to sections 99.915 to 99.980:

(1) To sue and to be sued; to have a seal and to alter the same at the authority's pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal bylaws, rules, and regulations, not inconsistent with sections 99.915 to 99.980, to carry out the provisions of sections 99.915 to 99.980;

(2) To delegate to a municipality or other public body any of the powers or functions of the authority with respect to the planning or undertaking of a development project, and any such municipality or public body is hereby authorized to carry out or perform such powers or functions for the authority;

(3) To receive and exercise powers delegated by any authority, agency, or agent of a municipality created pursuant to this chapter or chapter 353, RSMo, excluding powers of eminent domain.

4. Any home rule city with more than four hundred thousand inhabitants and located in more than one county, any city not within a county, and any county with a charter form of government and with more than one million inhabitants shall approve a disadvantaged business enterprise program to be implemented by the downtown economic stimulus authority. The program shall require all businesses, vendors, and contractors working on projects undertaken by the authority to ensure enforcement of an equal opportunity employment plan and a minority and women-owned business program that is based on population and availability that contains specific worker ethnicity goals for each such business, vendor, and contractor, in accordance with applicable state and federal laws, rules, regulations, and orders.

**99.936. DISPOSAL OF REAL PROPERTY.** — Real property which is acquired by a municipality or authority in a development project area may be disposed of as follows:

(1) Within a development project area, the authority may sell, lease, exchange, or otherwise transfer real property, including land, improvements, and fixtures, or any interest therein, to any developer selected for a development project, or any portion thereof, in accordance with the development plan, subject to such covenants, conditions, and restrictions as may be deemed to be in the public interest or to carry out the purposes of sections 99.915 to 99.980. Such real property shall be sold, leased, or transferred at its fair market value for uses in accordance with the development plan; provided that such fair market value may be less than the cost of such property to the municipality or authority. In determining the fair market value of real property for uses in accordance with a development plan, the municipality or authority shall take into account and give consideration to the uses and purposes required by the development plan; the restrictions upon, and the covenants, conditions, and obligations assumed by the developer of such property; the objectives of the development plan; and such other matters as the municipality or authority shall specify as being appropriate. In fixing rental and sale prices, a municipality or authority shall give consideration to appraisals of the property for such uses made by experts employed by the municipality or authority;

(2) The municipality or authority shall, by public notice published in a newspaper having a general circulation in a development area, prior to selecting one or more developers for any development project, or any portion thereof, invite proposals from, and make available all pertinent information to, private developers or any persons interested in undertaking the development of such development project, or any portion thereof. Such notice shall be published at least once each week during the two weeks preceding the selection of a developer, shall identify the area of the development project or development projects, or any portion thereof, for which one or more developers are to be selected, and shall state that such further information as it is available may be obtained at the office of the municipality or authority. The municipality or authority shall consider all proposals and the financial and legal ability of the prospective developers to carry out their proposals. The municipality or authority may negotiate and enter into one or more contracts with any developer selected for the development of any such area for the development of such area by such developer in accordance with a development plan or for the sale or lease of any real property to any such developer in any such area for the purpose of developing such property in accordance with the development plan. The municipality or authority may enter into any such contract as it deems to be in the public interest and in furtherance of the purposes of sections 99.915 to 99.980; provided that the municipality or authority has, not less than ten days prior thereto, notified the governing body in writing of its intention to enter into such contract. Thereafter, the municipality or authority may execute such contract in accordance with the provisions of subdivision (1) of this section and deliver deeds, leases, and other instruments and take all steps necessary to effectuate such contract. In its discretion, the municipality or authority may, in accordance with the provisions of this subdivision, dispose of any real property in an area selected for a development project, or any portion thereof, to private developers for development under such reasonable competitive bidding procedures as it shall prescribe, subject to the provisions of subdivision (1) of this section;

(3) In carrying out a development project, the authority may:

(a) Convey to the municipality such real property as, in accordance with the development plan, is to be dedicated as public right-of-way for streets, sidewalks, alleys, or other public ways, this power being additional to and not limiting any and all other powers of conveyance of property to municipalities expressed, generally or otherwise, in sections 99.915 to 99.980;

(b) Grant servitudes, easements, and rights-of-way for public utilities, sewers, streets, and other similar facilities, in accordance with the development plan; and

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(c) Convey to the municipality or other appropriate public body such real property as, in accordance with the development plan, is to be used for parks, schools, public buildings, facilities, or other public purposes;

(4) The municipality or authority may operate and maintain real property in the development area pending the disposition or development of the property in accordance with a development plan, without regard to the provisions of subdivisions (1) and (2) of this section, for such uses and purposes as may be deemed desirable even though not in conformity with the development plan.

**99.939. FUNDESTABLISHED FOR COMMUNITY DEVELOPMENT CORPORATIONS (KANSAS CITY, ST. LOUIS COUNTY, ST. LOUIS CITY, BOONE COUNTY) — FUND ADMINISTRATION — DIVERSION OF CERTAIN SALES TAX REVENUES TO GENERAL REVENUE FUND — GRANTS AND LOANS AWARDED. — 1.** Any home rule city with more than four hundred thousand inhabitants and located in more than one county, any county with a charter form of government and with more than one million inhabitants, any city not within a county, and any county of the first classification with more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five thousand five hundred inhabitants and any municipality located therein shall by ordinance establish a fund for the purpose of providing funds to community development corporations in such city for comprehensive programs within such city to stimulate economic development, housing, and other public benefits leading to the development of economically sustainable neighborhoods or communities, such fund to be known as the "Community Development Corporation Revolving Fund". Notwithstanding section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

2. The community development corporation revolving fund shall be administered by a community development corporation revolving fund board, which shall consist of six members appointed by the chief elected official of such municipality or county, of which one shall be a member of the economic stimulus authority, three shall be members of the local regional community development association, and two shall be members of local business or financial organizations. The initial members shall serve staggered terms of one, two, and three years as determined by the chief elected official at the time of appointment. Thereafter, successor members shall be appointed by the chief elected official for a term of three years, and shall hold office until a successor is appointed. Any member may be removed by the chief elected official for inefficiency, neglect of duty, or misconduct. All vacancies shall be filled by appointment of the chief elected official for the unexpired term. No member shall receive compensation for the member's services, but shall be entitled to necessary and reasonable expenses, including travel expenses, incurred in the discharge of the member's duties. The chief elected official shall appoint the chair of the board, and the members of the board shall elect officers from the membership of the board.

3. Beginning January 1, 2004, up to five percent of the state sales tax increment portion of other net new revenues generated by development projects certified for state supplemental downtown development financing pursuant to sections 99.915 to 99.980, but not being used for state supplemental downtown development financing, may be available for appropriation by the general assembly from the state supplemental downtown development fund, to the general revenue fund, for the purpose of providing grants to cities or counties as set forth herein. A city or county described in subsection 1 of this section may, upon application to the department of economic development, receive a grant for deposit into the city or county community development corporation revolving fund for the purposes of funding a community development corporation revolving fund program pursuant to subsection 4 of this section. Any city or county otherwise eligible shall not be

denied participation in the grant program due to a lack of projects certified for state supplemental downtown development financing, but such grants shall be limited to incremental revenues generated from certified projects in any city or county described in subsection 1 of this section. At no time shall the sum of the grants exceed one million five hundred thousand dollars annually.

4. From money granted to a city or county described in subsection 1 of this section for deposit in the community development corporation revolving fund, the city or county, through the community development corporation revolving fund board, shall provide grants and forgivable loans to community development corporations in such municipality for community economic development activities implemented by such corporations. The board shall give special funding consideration to collaborations on community development projects between developers organized for-profit and nonprofit developers. All expenses for such projects shall be paid for out of the community development corporation revolving fund. Any money appropriated, and any other money made available by gift, grant, bequest, contribution, or otherwise to carry out the purposes of this section, and all interest earned on, and income generated from, money in the fund shall be paid to, and deposited in, the community development corporation revolving fund.

**99.942. DEVELOPMENT PLAN, CONTENTS — GOAL FOR CERTAIN PROJECTS (KANSAS CITY, ST. LOUIS CITY, ST. LOUIS COUNTY, BOONE COUNTY) — ADOPTION OF DEVELOPMENT PLAN, PROCEDURE. — 1.** A development plan shall set forth in writing a general description of the program to be undertaken to accomplish the development projects and related objectives and shall include, but need not be limited to:

- (1) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;
- (2) The street address of the development site;
- (3) The three-digit North American Industry Classification System number or numbers characterizing the development project;
- (4) The estimated development project costs;
- (5) The anticipated sources of funds to pay such development project costs;
- (6) Evidence of the commitments to finance such development project costs;
- (7) The anticipated type and term of the sources of funds to pay such development project costs;
- (8) The anticipated type and terms of the obligations to be issued;
- (9) The most recent equalized assessed valuation of the property within the development project area;
- (10) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;
- (11) The general land uses to apply in the development area;
- (12) The total number of individuals employed in the development area, categorized by full-time, part-time, and temporary positions;
- (13) The total number of full-time equivalent positions in the development area;
- (14) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;
- (15) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, categorized by full-time, part-time, and temporary positions;
- (16) The number of new jobs to be created by any business benefitting from public expenditures in the development area, categorized by full-time, part-time, and temporary positions;

(17) The average hourly wage to be paid to all current and new employees at the project site, categorized by full-time, part-time, and temporary positions;

(18) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;

(19) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;

(20) A list of other community and economic benefits to result from the project;

(21) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;

(22) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this act is being sought;

(23) A statement as to whether the development project may reduce employment at any other site, within or without of the State, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;

(24) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;

(25) A list of businesses that are competing with the business benefitting from the development plan in the county containing the development area and in each contiguous county;

(26) A market study for the development area; and

(27) A certification by the chief officer of the applicant as to the accuracy of the development plan.

2. For any home rule city with more than four hundred thousand inhabitants and located in more than one county, for any county with a charter form of government and with more than one million inhabitants, any county of the first classification with more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five thousand five hundred inhabitants and any municipality within the county, and for any city not within a county, the authority shall be required in connection with the designation of the development area, development projects, and development project areas, to work with local community development corporations, as defined in subsection 3 of section 135.400, RSMo, with a goal that over the term of the development plan five percent of the funds generated pursuant to section 99.957 will be expended in connection with such projects through the community development revolving fund created pursuant to section 99.939.

3. The development plan may be adopted by a municipality in reliance on findings that a reasonable person would believe:

(1) The development area on the whole is a blighted area or a conservation area. Such a finding shall include, but not be limited to, a detailed description of the factors that qualify the development area or project pursuant to this subsection, a written statement, signed by members of the governing body of the municipality or authority confirming that the information has been independently reviewed by the members of the governing body of the municipality or authority with due diligence to confirm its accuracy, truthfulness, and completeness. The study shall be of sufficient specificity to allow representatives of the authority or the municipality to conduct investigations deemed necessary in order to confirm its findings;

(2) The development area has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the implementation of one or more development projects and the adoption of local and state development financing;

(3) The development plan conforms to the comprehensive plan for the development of the municipality as a whole;

(4) The estimated dates, which shall not be more than twenty-five years from the adoption of the ordinance approving any development project, of the completion of such development project and retirement of obligations incurred to finance development project costs have been stated, provided that no ordinance approving a development project shall be adopted later than fifteen years from the adoption of the ordinance approving the development plan and provided that no property for a development project shall be acquired by eminent domain later than ten years from the adoption of the ordinance approving such development plan;

(5) In the event any business or residence is to be relocated as a direct result of the implementation of the development plan, a plan has been developed for relocation assistance for businesses and residences;

(6) A cost-benefit analysis showing the economic impact of the development plan on the municipality and school districts that are at least partially within the boundaries of the development area. The analysis shall show the impact on the economy if the development projects are not built pursuant to the development plan under consideration. The cost-benefit analysis shall include a fiscal impact study on each municipality and school district which is at least partially within the boundaries of the development area, and sufficient information from the authority to evaluate whether each development project as proposed is financially feasible;

(7) The development plan does not include the initial development or redevelopment of any gambling establishment; and

(8) An economic feasibility analysis including a pro forma financial statement indicating the return on investment that may be expected without public assistance. The financial statement shall detail any assumptions made, a pro forma statement analysis demonstrating the amount of assistance required to bring the return into a range deemed attractive to private investors, which amount shall not exceed the estimated reimbursable project costs.

**99.945. PERMISSION NEEDED FOR DESIGNATION OF DEVELOPMENT AREA OUTSIDE BOUNDARIES OF MUNICIPALITY. —** In the event a municipality desires to designate a development area located in whole or in part outside the incorporated boundaries of the municipality and within the boundaries of another municipality, such municipality shall first obtain the permission of the governing body of such other municipality.

**99.948. POWERS OF MUNICIPALITY CREATING AUTHORITY — POWERS AUTHORIZED TO AUTHORITY — PUBLIC HEARINGS HELD, WHEN. — 1.** A municipality which has created an authority pursuant to section 99.921 may:

(1) Approve by ordinance the exercise by the authority of the powers, functions, and duties of the authority under sections 99.915 to 99.980; and

(2) After adopting an ordinance in accordance with subdivision (1) of this subsection and after receipt of recommendations from the authority in accordance with subsection 3 of this section, by ordinance, designate development areas adopt the development plans and development projects, designate a development project area for each development project adopted, and adopt development financing for each such development project area. No development plan may be adopted until the development area is designated. No development project shall be adopted until the development plan is adopted and the

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development project area for each development project shall be designated at the time of adopting the development project.

2. A municipality may authorize an authority created pursuant to section 99.921 to exercise all powers and perform all functions of a transportation development district pursuant to sections 238.200 to 238.275, RSMo, within a development area.

3. The municipality or authority shall hold public hearings and provide notice pursuant to sections 99.957 and 99.960. Within ten days following the completion of any such public hearing, the authority shall vote on, and shall make recommendation to the governing body of the municipality with regard to any development plan, development projects, designation of a development area or amendments thereto which were proposed at such public hearing.

**99.951. ADOPTION OF AUTHORIZING ORDINANCE, PUBLIC HEARINGS TO BE HELD — NOTICE FOR HEARING, CONTENTS. —** 1. Prior to the adoption of the ordinance designating a development area, adopting a development plan, or approving a development project, the municipality or authority shall fix a time and place for a public hearing and notify each taxing district located wholly or partially within the boundaries of the proposed development area or development project area affected. Such notice shall comply with the provisions of subsection 2 of this section. At the public hearing any interested person or affected taxing district may file with the municipality or authority written objections to, or comments on, and may be heard orally in respect to, any issues regarding the plan or issues embodied in the notice. The municipality or authority shall hear and consider all protests, objections, comments, and other evidence presented at the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing. Prior to the conclusion of the hearing, changes may be made in the development plan, development project, development area or development project area, provided that written notice of such changes is available at the public hearing. After the public hearing but prior to the adoption of an ordinance designating a development area, adopting a development plan or approving a development project, changes may be made to any such proposed development plan, development project, development area, or development project area without a further hearing, if such changes do not enlarge the exterior boundaries of the development area, and do not substantially affect the general land uses established in a development plan or development project, provided that notice of such changes shall be given by mail to each affected taxing district and by publication in a newspaper of general circulation in the development area or development project area, as applicable, not less than ten days prior to the adoption of the changes by ordinance. After the adoption of an ordinance designating the development area, adopting a development plan, approving a development project, or designating a development project area, no ordinance shall be adopted altering the exterior boundaries of the development area or a development project area, affecting the general land uses established pursuant to the development plan or the general nature of a development project without holding a public hearing in accordance with this section. One public hearing may be held for the simultaneous consideration of a development area, development plan, development project, or development project area.

2. Notice of the public hearing required by this section shall be given by publication and mailing. Notice by publication shall be given by publication at least twice, the first publication to be not more than thirty days and the second publication to be not more than ten days prior to the hearing, in a newspaper of general circulation in the proposed development area or development project area, as applicable, and in two minority newspapers, if such newspapers are published in the municipality, of which one shall be published in the Spanish language, if such a newspaper is published in the municipality.

Notice by mailing shall be given by depositing such notice in the United States mail by certified mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the proposed development area or development project area, as applicable, which is to be subjected to the payment or payments in lieu of taxes and economic activity taxes pursuant to section 99.957. Such notice shall be mailed not less than ten working days prior to the date set for the public hearing. In the event taxes for the last preceding year were not paid, the notice shall also be sent to the persons last listed on the tax rolls within the preceding three years as the owners of such property.

3. The notices issued pursuant to this section shall include the following:

- (1) The time and place of the public hearing;
- (2) The general boundaries of the proposed development area or development project area, as applicable, by street location, where possible;
- (3) A statement that all interested persons shall be given an opportunity to be heard at the public hearing;
- (4) A description of the development plan and the proposed development projects and a location and time where the entire development plan or development projects proposed may be reviewed by any interested party;
- (5) An estimate of other net new revenues;
- (6) A statement that development financing involving tax revenues and payments in lieu of taxes is being sought for the project and an estimate of the amount of local development financing that will be requested, if applicable; and
- (7) Such other matters as the municipality or authority may deem appropriate.

4. Not less than forty-five days prior to the date set for the public hearing, the municipality or authority shall give notice by mail as provided in subsection 2 of this section to all taxing districts with jurisdiction over taxable property in the development area or development project area, as applicable, and in addition to the other requirements pursuant to subsection 3 of this section, the notice shall include an invitation to each taxing district to submit comments to the municipality or authority concerning the subject matter of the hearing prior to the date of the hearing.

5. A copy of any and all hearing notices required by this section shall be submitted by the municipality or authority to the director of the department of economic development and the date such notices were mailed or published, as applicable.

**99.954. FINANCING PROJECT COSTS, ISSUANCE OF OBLIGATIONS PERMITTED, PROCEDURE — IMMUNITY FROM LIABILITY FOR OBLIGATIONS — RETIRING OR REFINANCING DEBT, RESTRICTIONS. — 1.** For the purpose of financing development project costs, obligations may be issued by the municipality, or, at the request of the municipality, by the authority or any other political subdivision authorized to issue bonds, but in no event by the state, to pay or reimburse development project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance or resolution authorizing the issuance of such obligations.

2. Obligations issued pursuant to sections 99.915 to 99.980 may be issued in one or more series bearing interest at such rate or rates as the issuing entity shall determine by ordinance or resolution. Such obligations shall bear such date or dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms, and conditions, and be subject to redemption as such ordinance or resolution shall provide. Obligations issued pursuant to sections 99.915 to 99.980 may be sold at public or private sale at such price as shall be determined by the issuing entity and shall state that obligations issued pursuant to sections 99.915 to 99.980 are special obligations payable solely from the funds specifically pledged. No referendum approval of the electors shall

be required as a condition to the issuance of obligations pursuant to sections 99.915 to 99.980.

3. In the event the obligations contain a recital that they are issued pursuant to sections 99.915 to 99.980, such recital shall be conclusive evidence of their validity and of the regularity of their issuance.

4. Neither the municipality, the authority, or any other entity issuing such obligations, or the members, commissioners, directors, or the officers of any such entities nor any person executing any obligation shall be personally liable for such obligation by reason of the issuance thereof. The obligations issued pursuant to sections 99.915 to 99.980 shall not be a general obligation of the state, the municipality, or any political subdivision thereof, nor in any event shall such obligation be payable out of any funds or properties other than those specifically pledged as security for such obligations. The obligations shall not constitute indebtedness within the meaning of any constitutional, statutory, or charter debt limitation or restriction.

5. Obligations issued pursuant to sections 99.915 to 99.980 may be issued to refund, in whole or in part, obligations theretofore issued by such entity pursuant to the authority of sections 99.915 to 99.980, whether at or prior to maturity; provided, however, that the last maturity of the refunding obligations shall not be expressed to mature later than the last maturity date of the obligations to be refunded.

6. In the event a municipality or authority issues obligations under home rule powers or other legislative authority, the proceeds of which are pledged to pay for development project costs, the municipality may retire such obligations from funds in the special allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of sections 99.915 to 99.980.

7. State supplemental downtown development financing shall not be used for retiring or refinancing debt or obligations on a previously publicly financed redevelopment project without express approval from the director of the department of economic development and the Missouri development finance board. No approval shall be granted unless the application for state supplemental downtown development financing contains development projects that are new projects which were not a part of the development projects for which there is existing public debt or obligations.

**99.957. ADOPTION OF DEVELOPMENT FINANCING BY ORDINANCE — COUNTY ASSESSOR TO DETERMINE TOTAL EQUALIZED ASSESSED VALUE — CALCULATION OF AD VALOREM TAXES — ALLOCATION OF ECONOMIC ACTIVITY TAXES. — 1.** A municipality, after designating a development area, adopting a development plan, and adopting any development project in conformance with the procedures of sections 99.915 to 99.980, may adopt development financing for the development project area selected for any such development project by passing an ordinance. Upon the adoption of the first of any such ordinances, the municipality shall establish, or shall direct the authority to establish, a special allocation fund for the development area.

2. Immediately upon the adoption of a resolution or ordinance adopting development financing for a development project area pursuant to subsection 1 of this section, the county assessor shall determine the total equalized assessed value of all taxable real property within such development project area by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract, or parcel of real property within such development project area as of the date of the adoption of such resolution or ordinance and shall provide to the clerk of the municipality written certification of such amount as the total initial equalized assessed value of the taxable real property within such development project area.

3. In each of the twenty-five calendar years following the adoption of an ordinance adopting development financing for a development project area pursuant to subsection

1 of this section unless and until development financing for such development project area is terminated by ordinance of the municipality, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such development project area by taxing districts at the tax rates determined in the manner provided in section 99.968 shall be divided as follows:

(1) That portion of taxes, penalties, and interest levied upon each taxable lot, block, tract, or parcel of real property in such development project area which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in such development project area as certified by the county assessor in accordance with subsection 2 of this section shall be allocated to and, when collected, shall be paid by the collecting authority to the respective affected taxing districts in the manner required by law in the absence of the adoption of development financing;

(2) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the development project area and any applicable penalty and interest over and above the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in such development project area as certified by the county assessor in accordance with subsection 2 of this section shall be allocated to and, when collected, shall be paid to the collecting officer of the municipality who shall deposit such payment in lieu of taxes into a separate segregated account for payments in lieu of taxes within the special fund. Payments in lieu of taxes which are due and owing shall constitute a lien against the real property from which such payments in lieu of taxes are derived and shall be collected in the same manner as real property taxes, including the assessment of penalties and interest where applicable. The lien of payments in lieu of taxes may be foreclosed in the same manner as the lien of real property taxes. No part of the current equalized assessed valuation of each taxable lot, block, tract, or parcel of property in any such development project area attributable to any increase above the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in such development project area as certified by the county assessor in accordance with subsection 2 of this section shall be used in calculating the general state school aid formula provided for in section 163.031, RSMo, until development financing for such development project area expires or is terminated in accordance with sections 99.915 to 99.980;

(3) For purposes of this section, "levies upon taxable real property in such development area by taxing districts" shall not include the blind pension fund tax levied under the authority of section 38(b), article III, of the Missouri Constitution, the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6, article X of the Missouri Constitution, the desegregation sales tax, or the conservation taxes.

4. In each of the twenty-five calendar years following the adoption of an ordinance or resolution adopting development financing for a development project area pursuant to subsection 1 of this section unless and until development financing for such development project area is terminated in accordance with sections 99.915 to 99.980, fifty percent of the economic activity taxes from such development project area shall be allocated to, and paid by the collecting officer of any such economic activity tax to, the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account for economic activity taxes within the special allocation fund. Provided however, in any county, the governing body of the county may, by resolution, exclude any portion of any county-wide sales tax of such county.

5. In no event shall a municipality collect and deposit economic activity taxes in the special allocation fund unless the developing project has been approved for state supplemental downtown development financing pursuant to section 99.960.

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**99.958. ENDOWMENT, CARNEGIE RESEARCH I UNIVERSITY, PRIVATE FUNDS NEEDED FOR ONE-HALF OF ENDOWMENT.** — If a development plan includes an endowment of positions at an institution of higher education which has a designation as a Carnegie Research I University, including any campus of such university system, such endowment must first be funded with a private donation to the institution of higher education in accordance with its endowment policy in an amount of at least one half of the total amount of the endowment. Thereafter, the remaining portion of matching public for such endowment may be made either from the local economic activity taxes or from a disbursement made from the state supplemental downtown development fund. Any disbursement from the state supplemental downtown development fund for purposes of funding an endowment pursuant to the provisions of this section shall be transferred to general revenue for appropriation of the endowment.

**99.960. DISBURSEMENT OF PROJECT COSTS, APPROVAL OF DEPARTMENT REQUIRED — APPLICATION, CONTENTS — FINANCE BOARD TO MAKE DETERMINATION — CAP ON DISBURSEMENTS — TIME LIMITATIONS ON DISBURSEMENTS — DEVELOPMENT COSTS DEFINED — PROJECTS INELIGIBLE FOR TIFs, WHEN — RULEMAKING AUTHORITY.** — 1. A municipality shall submit an application to the department of economic development for review and submission of an analysis and recommendation to the Missouri development finance board for a determination as to approval of the disbursement of the project costs of one or more development projects from the state supplemental downtown development fund. The department of economic development shall forward the application to the Missouri development finance board with the analysis and recommendation. In no event shall any approval authorize a disbursement of one or more development projects from the state supplemental downtown development fund which exceeds the allowable amount of other net new revenues derived from the development area. An application submitted to the department of economic development shall contain the following, in addition to the items set forth in section 99.942:

(1) An estimate that one hundred percent of the payments in lieu of taxes and economic activity taxes deposited to the special allocation fund must and will be used to pay development project costs or obligations issued to finance development project costs to achieve the objectives of the development plan. Contributions to the development project from any private not-for-profit organization or local contributions from tax abatement or other sources may be substituted on a dollar for dollar basis for the local match of one hundred percent of payments in lieu of taxes and economic activity taxes from the fund;

(2) Identification of the existing businesses located within the development project area and the development area;

(3) The aggregate baseline year amount of state sales tax revenues and the aggregate baseline year amount of state income tax withheld on behalf of existing employees, reported by existing businesses within the development project area. Provisions of section 32.057, RSMo, notwithstanding, municipalities will provide this information to the department of revenue for verification. The department of revenue will verify the information provided by the municipalities within forty-five days of receiving a request for such verification from a municipality;

(4) An estimate of the state sales tax increment and state income tax increment within the development project area after redevelopment;

(5) An affidavit that is signed by the developer or developers attesting that the provision of subdivision (2) of subsection 3 of section 99.942 has been met and specifying that the development area would not be reasonably anticipated to be developed without the appropriation of the other net new revenues;

(6) The amounts and types of other net new revenues sought by the applicant to be disbursed from state supplemental downtown development fund over the term of the development plan;

(7) The methodologies and underlying assumptions used in determining the estimate of the state sales tax increment and the state income tax increment; and

(8) Any other information reasonably requested by the department of economic development and the Missouri development finance board.

2. The department of economic development shall make all reasonable efforts to process applications within sixty days of receipt of the application.

3. The Missouri development finance board shall make a determination regarding the application for a certificate allowing disbursements from the state supplemental downtown development fund and shall forward such determination to the director of the department of economic development. In no event shall the amount of disbursements from the state supplemental downtown development fund approved for a project, in addition to any other state economic development funding or other state incentives, exceed the projected state benefit of the development project, as determined by the department of economic development through a cost-benefit analysis. Any political subdivision located either wholly or partially within the development area shall be permitted to submit information to the department of economic development for consideration in its cost-benefit analysis. Upon approval of state supplemental downtown development financing, a certificate of approval shall be issued by the department of economic development containing the terms and limitations of the disbursement.

4. At no time shall the annual amount of other net new revenues approved for disbursements from the state supplemental downtown development fund exceed one hundred fifty million dollars.

5. Development projects receiving disbursements from the state supplemental downtown development fund shall be limited to receiving such disbursements for fifteen years, unless specific approval for a longer term is given by the director of the department of economic development, as set forth in the certificate of approval; except that, in no case shall the duration exceed twenty-five years. The approved term notwithstanding, state supplemental downtown development financing shall terminate when development financing for a development project is terminated by a municipality.

6. The municipality shall deposit payments received from the state supplemental downtown development fund in a separate segregated account for other net new revenues within the special allocation fund.

7. Development project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development, the Missouri development finance board, and the department of revenue reasonably allocable to each development project approved for disbursements from the state supplemental downtown development fund for the ongoing administrative functions associated with such development project. Such amounts shall be recovered from other net new revenues deposited into the state supplemental downtown development fund created pursuant to section 99.963.

8. A development project approved for state supplemental downtown development financing may not thereafter elect to receive tax increment financing pursuant to the real property tax increment allocation redevelopment act, sections 99.800 to 99.865, and continue to receive state supplemental downtown development financing pursuant to sections 99.915 to 99.980.

9. The department of economic development, in conjunction with the Missouri development finance board, may establish the procedures and standards for the determination and approval of applications by the promulgation of rules and regulations and publish forms to implement the provisions of this section and section 99.963.

10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section and section 99.963 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section, section 99.963, and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

11. The Missouri development finance board shall consider parity based on population and geography of the state among the regions of the state in making determinations on applications pursuant to this section.

**99.963. STATE SUPPLEMENTAL DOWNTOWN DEVELOPMENT FUND ESTABLISHED, MONEYS IN FUND, USE OF MONEYS, DISBURSEMENTS — RULEMAKING AUTHORITY. — 1.** There is hereby established within the state treasury a special fund to be known as the "State Supplemental Downtown Development Fund", to be administered by the department of economic development. Any unexpended balance and any interest in the fund at the end of the biennium shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund. The fund shall consist of:

(1) The first one hundred fifty million dollars of other net new revenues generated annually by the development projects;

(2) Money received from costs charged pursuant to subsection 7 of section 99.960; and

(3) Gifts, contributions, grants, or bequests received from federal, private, or other sources.

2. Notwithstanding the provisions of section 144.700, RSMo, to the contrary, the department of revenue shall annually submit the first one hundred fifty million of other net new revenues generated by the development projects to the treasurer for deposit in the state supplemental downtown development fund.

3. The department of economic development shall annually disburse funds from the state supplemental downtown development fund in amounts determined pursuant to the certificates of approval for projects, providing that the amounts of other net new revenues generated from the development area have been verified and all of the conditions of sections 99.915 to 99.980 are met. If the revenues appropriated from the state supplemental downtown development fund are not sufficient to equal the amounts determined to be disbursed pursuant to such certificates of approval, the department of economic development shall disburse the revenues on a pro rata basis to all such projects and other costs approved pursuant to section 99.960.

4. In no event shall the amounts distributed to a project from the state supplemental downtown development fund exceed the lesser of the amount of the certificates of approval for projects or the actual other net new revenues generated by the projects.

5. The department of economic development shall not disburse any moneys from the state supplemental downtown development fund for any project which has not complied with the annual reporting requirements of section 99.980.

6. Money in the state supplemental downtown development fund may be spent for the reasonable and necessary costs associated with the administration of the program authorized under sections 99.915 to 99.980.

7. No municipality shall obligate or commit the expenditure of disbursements received from the state supplemental downtown development fund prior to receiving a certificate of approval for the development project generating other net new revenues.

8. Taxpayers in any development area who are required to remit sales taxes pursuant to chapter 144, RSMo, or income tax withholdings pursuant to chapter 143, RSMo, shall provide additional information to the department of revenue in a form prescribed by the department by rule. Such information shall include but shall not be limited to information upon which other net new revenues can be calculated, and shall include the number of new jobs, the gross payroll for such jobs, and sales tax generated in the development area by such taxpayer in the baseline year and during the time period related to the withholding or sales tax remittance.

9. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

**99.965. TERMINATION OF DEVELOPMENT FINANCING, WHEN, PROCEDURE — DISSOLUTION OF SPECIAL FUND AND TERMINATION OF DESIGNATED AREA. — 1.** When all development project costs and all obligations issued to finance development project costs have been paid in full, the municipality shall adopt an ordinance terminating development financing for all development project areas. Immediately upon the adoption of such ordinance, all payments in lieu of taxes, all economic activity taxes, and other net new revenues then remaining in the special allocation fund shall be deemed to be surplus funds; and thereafter, the rates of the taxing districts shall be extended and taxes levied, collected, and distributed in the manner applicable in the absence of the adoption of development financing. Surplus payments in lieu of taxes shall be paid to the county collector who shall immediately thereafter pay such funds to the taxing districts in the development area selected in the same manner and proportion as the most recent distribution by the collector to the affected taxing districts of real property taxes from real property in the development area. Surplus economic activity taxes shall be paid to the taxing districts in the development area in proportion to the then current levy rates of such taxing districts that are attributable to economic activity taxes. Surplus other net new revenues shall be paid to the state. Any other funds remaining in the special allocation fund following the adoption of an ordinance terminating development financing in accordance with this section shall be deposited to the general fund of the municipality.

2. Upon the payment of all development project costs, retirement of obligations, and the distribution of any surplus funds pursuant to this section, the municipality shall adopt an ordinance dissolving the special allocation fund and terminating the designation of the development area as a development area.

3. Nothing in sections 99.915 to 99.980 shall be construed as relieving property in such areas from paying a uniform rate of taxes, as required by section 3, article X of the Missouri Constitution.

**99.968. DEBT SERVICE LEVIES, COMPUTATION OF. —** In each of the twenty-five calendar years following the adoption of an ordinance adopting development financing for a development project area, unless and until development financing for such development project area is terminated by ordinance of the municipality, then, in respect to every taxing district containing such development project area, the county clerk, or any other official required by law to ascertain the amount of the equalized assessed value of all taxable property within such development project area for the purpose of computing any debt service levies to be extended upon taxable property within such development

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project area, shall in every year that development financing is in effect ascertain the amount of value of taxable property in such development project area by including in such amount the certified total initial equalized assessed value of all taxable real property in such development project area in lieu of the equalized assessed value of all taxable real property in such development project area. For the purpose of measuring the size of payments in lieu of taxes under sections 99.915 to 99.980, all tax levies shall then be extended to the current equalized assessed value of all property in the development project area in the same manner as the tax rate percentage is extended to all other taxable property in the taxing district.

**99.971. JOINT COMMITTEE OF GENERAL ASSEMBLY TO REVIEW ECONOMIC STIMULUS ACT, WHEN — REPORT TO BE SUBMITTED, WHEN. —** Beginning in 2008, and every five years thereafter, a joint committee of the general assembly, comprised of five members appointed by the speaker of the house of representatives and five members appointed by the president pro tempore of the senate, shall review sections 99.915 to 99.980. A report based on such review, with any recommended legislative changes, shall be submitted to the speaker of the house of representatives and the president pro tempore of the senate no later than February first following the year in which the review is conducted.

**99.975. APPLICATION APPROVALS, LIMITATIONS. — 1.** No new applications made pursuant to sections 99.915 to 99.980 shall be approved after January 1, 2013.

2. No applications made pursuant to sections 99.915 to 99.980 shall be approved prior to August 28, 2003, except for applications for projects that are located within a county for which public and individual assistance has been requested by the governor pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq., for an emergency proclaimed by the governor pursuant to section 44.100, RSMo, due to a natural disaster of major proportions that occurred after May 1, 2003, but prior to May 10, 2003, and the development project area is a central business district that sustained severe damage as a result of such natural disaster, as determined by the state emergency management agency.

3. Prior to December 31, 2006, the Missouri development finance board may approve up to two applications made pursuant to sections 99.915 to 99.980 in a home rule city with more than four hundred thousand inhabitants and located in more than one county in which the state sales tax increment for such projects approved pursuant to the provisions of this subsection shall be up to one-half of the incremental increase in all sales taxes levied pursuant to section 144.020, RSMo. In no event shall the incremental increase include any amounts attributable to retail sales unless the Missouri development finance board and the department of economic development are satisfied based on information provided by the municipality or authority, and such entities have made a finding that a substantial portion of all but a de minimus portion of the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase for an existing facility shall be the amount of all state sales taxes generated pursuant to section 144.020, RSMo, at the facility in excess of the amount of all state sales taxes generated pursuant to section 144.020, RSMo, at the facility in the baseline year. The incremental increase in development project areas where the baseline year is the year following the year in which the development project is approved by the municipality pursuant to subdivision (2) of section 99.918, shall be the state sales tax revenue generated by out-of-state businesses relocating into a development project area. The incremental increase for a Missouri facility which relocates to a development project area shall be the amount by which the state sales tax revenue of the facility exceeds the state sales tax revenue for the facility in the calendar year prior to relocation.

**99.980. BUSINESSES RELOCATING IN DEVELOPMENT AREA, AUTHORITY TO REPORT TO DEPARTMENT, WHEN — STATUS OF DEVELOPMENT PLAN, REPORT TO BE SUBMITTED, CONTENTS — ACCESS TO PROJECT SITES — ANNUAL FINANCIAL STATEMENTS REQUIRED.**

— 1. By the last day of February each year, the municipality or authority shall report to the director of the department of economic development the name, address, phone number, and primary line of business of any business which relocates to the development area.

2. Each year the governing body of the municipality, or its designee, shall prepare a report concerning the status of the development plan, the development area, and the included development projects, and shall submit a copy of such report to the director of the department of economic development. The report shall include the following:

(1) The name, street and mailing addresses, phone number, and chief officer of the granting body;

(2) The name, street and mailing addresses, phone number, and chief officer of any business benefitting from public expenditures in such development plans and projects;

(3) The amount and source of revenue in the special allocation fund;

(4) The amount and purpose of expenditures from the special allocation fund;

(5) The amount of any pledge of revenues, including principal and interest on any outstanding bonded indebtedness;

(6) The original equalized assessed value of the development area;

(7) The assessed valuation added to the development area;

(8) Payments made in lieu of taxes received and expended;

(9) The economic activity taxes generated within the development area in the baseline year;

(10) The economic activity taxes generated within the development area after the baseline year;

(11) Reports on contracts made incident to the implementation and furtherance of a development area, the development plan, and the included development projects;

(12) A copy of the development plan;

(13) The cost of any property acquired, disposed of, rehabilitated, reconstructed, repaired, or remodeled;

(14) The number of parcels acquired by or through initiation of eminent domain proceedings;

(15) For municipalities with more than four hundred thousand inhabitants and located in more than one county, any county with a charter form of government and with more than one million inhabitants, any city not within a county, and any county of the first classification with more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five thousand five hundred inhabitants and any municipality located therein, the number of development projects developed in connection with community development corporations and the amount of funds generated pursuant to section 99.957 which are expended in connection with such project;

(16) A summary of the number of net new jobs created, categorized by full-time, part-time, and temporary positions, and by wage groups;

(17) The comparison of the total employment in this state by any business, including any corporate parent, benefitting from public expenditures in the development area on the date of the application compared to such employment on the date of the report, categorized by full-time, part-time, and temporary positions;

(18) A statement as to whether public expenditures on any development project during the previous fiscal year have reduced employment at any other site controlled by any business benefitting from public expenditures in the development area or its corporate parent, within or without of this state as a result of automation, merger, acquisition, corporate restructuring, or other business activity;

(19) A summary of the other community and economic benefits resulting from the project, consistent with those identified in the application;

(20) A signed certification by the chief officer of the authority or municipality as to the accuracy of the progress report; and

(21) Any additional reasonable information the department of economic development deems necessary.

3. The report shall include an analysis of the distribution of state supplemental downtown development financing by municipality and by economic development region, as defined by the department of economic development.

4. The department shall compile and publish all data from the progress reports in both written and electronic form, including the department's Internet web site.

5. The department shall have access at all reasonable times to the project site and the records of any authority or municipality in order to monitor the development project or projects and to prepare progress reports.

6. Data contained in the report required pursuant to the provisions of subsection 1 of this section and any information regarding amounts disbursed to municipalities pursuant to the provisions of sections 99.957 and 99.963 shall be deemed a public record, as defined in section 610.010, RSMo.

7. Any municipality failing to file an annual report as required pursuant to this section shall be ineligible to receive any disbursements from the state supplemental downtown development fund pursuant to section 99.963.

8. The Missouri development finance board and the department of economic development shall annually review the reports provided pursuant to this section.

9. The director of the department of economic development shall submit a report to the governor, the speaker of the house of representatives, and the president pro tempore of the senate no later than April thirtieth of each year. The report shall contain a summary of all information received by the director of economic development pursuant to subsection 2 of this section.

10. An annual statement showing the payments made in lieu of taxes received and expended in that year, the status of the development area, the development plan, the development projects in the development plan, the amount of outstanding obligations, and any additional information that the municipality deems necessary shall be published in a newspaper of general circulation in the municipality.

11. Five years after the establishment of the development area and the development plan and every five years thereafter the governing body of the municipality or authority shall hold a public hearing regarding the development area and the development plan and the development projects adopted pursuant to sections 99.915 to 99.980. The purpose of the hearing shall be to determine if the development area, development plan, and the included development projects are making satisfactory progress under the proposed time schedule contained within the approved development plan for completion of such development projects. Notice of such public hearing shall be given in a newspaper of general circulation in the area served by the municipality or authority once each week for four weeks immediately prior to the hearing.

**99.1000. DEFINITIONS.** — As used in sections 99.1000 to 99.1060, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Authority", the rural economic stimulus authority for a municipality, created pursuant to section 99.1006;

(2) "Baseline year", the calendar year prior to the adoption of an ordinance by the municipality approving a development project;

(3) "Collecting officer", the officer of the municipality responsible for receiving and processing payments in lieu of taxes, economic activity taxes other than economic activity

taxes which are local sales taxes, and other local taxes other than local sales taxes, and, for local sales taxes and state taxes, the director of revenue;

(4) "Development area", an area designated by a municipality which area shall have the following characteristics:

(a) It includes only those parcels of real property directly and substantially benefitted by the proposed development plan;

(b) It can be renovated through one or more development projects;

(c) It is contiguous, provided, however that a development area may include up to three noncontiguous areas selected for development projects, provided that each noncontiguous area meets the requirements of paragraphs (a) and (b) of this subdivision; and

(d) The development area shall not exceed ten percent of the entire area of the municipality. Subject to the limitation set forth in this subdivision, the development area can be enlarged or modified as provided in section 99.1036;

(5) "Development plan", the comprehensive program of a municipality and to thereby enhance the tax bases of the taxing districts which extend into the development area through the reimbursement, payment, or other financing of development project costs in accordance with sections 99.1000 to 99.1060 and through the exercise of the powers set forth in sections 99.1000 to 99.1060. The development plan shall conform to the requirements of section 99.1027;

(6) "Development project", any development project within a development area which creates a renewable fuel production facility, and any such development project shall include a legal description of the area selected for such development project;

(7) "Development project area", the area located within a development area selected for a development project;

(8) "Development project costs" include such costs to the development plan or a development project, as applicable, which are expended on public property, buildings, or rights-of-ways for public purposes to provide infrastructure to support a development project. Such costs shall only be allowed as an initial expense which, to be recoverable, must be included in the costs of a development plan or development project, except in circumstances of plan amendments approved by the Missouri agricultural and small business development authority and the department of economic development. Such infrastructure costs include, but are not limited to, the following:

(a) Costs of studies, appraisals, surveys, plans, and specifications;

(b) Professional service costs, including, but not limited to, architectural, engineering, legal, marketing, financial, planning, or special services;

(c) Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, and the clearing and grading of land;

(d) Costs of rehabilitation, reconstruction, repair, or remodeling of existing public buildings and fixtures;

(e) Costs of construction of public works or improvements;

(f) Financing costs, including, but not limited to, all necessary expenses related to the issuance of obligations issued to finance all or any portion of the infrastructure costs of one or more development projects, and which may include capitalized interest on any such obligations and reasonable reserves related to any such obligations;

(g) All or a portion of a taxing district's capital costs resulting from any development project necessarily incurred or to be incurred in furtherance of the objectives of the development plan, to the extent the municipality by written agreement accepts and approves such infrastructure costs;

(h) Payments to taxing districts on a pro rata basis to partially reimburse taxes diverted by approval of a development project;

(i) State government costs, including, but not limited to, the reasonable costs incurred by the department of economic development, the agricultural and small business development authority, and the department of revenue in evaluating an application for and administering state supplemental rural development financing for a development project; and

(j) Endowment of positions at an institution of higher education which has a designation as a Carnegie Research I University including any campus of such university system, subject to the provisions of section 99.1043;

(9) "Economic activity taxes", the total additional revenue from taxes which are imposed by the municipality and other taxing districts, and which are generated by economic activities within each development project area which exceed the amount of such taxes generated by economic activities within such development project area in the baseline year; but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees, or special assessments. If a retail establishment relocates within one year from one facility to another facility within the same county and the municipality or authority finds that the retail establishment is a direct beneficiary of development financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from taxes which are imposed by the municipality and other taxing districts which are generated by economic activities within the development project area which exceed the amount of taxes which are imposed by the municipality and other taxing districts which are generated by economic activities within the development project area generated by the retail establishment in the baseline year;

(10) "Major initiative", a development project that:

(a) Promotes the development of a facility producing either a good derived from an agricultural commodity or using a process to produce a good derived from an agricultural product, the estimated cost of which is in excess of the amount set forth below for the municipality, as applicable; or

(b) Promotes business location or expansion, the estimated cost of which is in excess of the amount set forth below for the municipality, and is estimated to create at least as many new jobs as set forth below within three years of such location or expansion:

Population of Municipality	Estimated Project Cost	New Jobs Created
99,999 or less	\$3,000,000	at least 30;

(11) "Municipality", any city, village, incorporated town, or any county of this state established on or prior to January 1, 2001;

(12) "New job", any job defined as a new job pursuant to subdivision (10) of section 100.710, RSMo;

(13) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by the municipality or authority, or other public entity authorized to issue such obligations pursuant to sections 99.1000 to 99.1060 to carry out a development project or to refund outstanding obligations;

(14) "Ordinance", an ordinance enacted by the governing body of any municipality or an order of the governing body of such a municipal entity whose governing body is not authorized to enact ordinances;

(15) "Other net new revenues", the amount of state sales tax increment or state income tax increment or the combination of the amount of each such increment as determined under section 99.1045;

(16) "Payment in lieu of taxes", those revenues from real property in each development project area, which taxing districts would have received had the municipality not adopted a development plan and the municipality not adopted development financing, and which would result from levies made after the time of the adoption of development

financing during the time the current equalized value of real property in such development project area exceeds the total equalized value of real property in such development project area during the baseline year until development financing for such development project area expires or is terminated pursuant to sections 99.1000 to 99.1060;

(17) "Renewable fuel production facility", a facility producing an energy source which is derived from a renewable, domestically grown, organic compound capable of powering machinery, including an engine or power plant, and any by-product derived from such energy source;

(18) "Special allocation fund", the fund of the municipality or its authority required to be established pursuant to section 99.1042 which special allocation fund shall contain at least four separate segregated accounts into which payments in lieu of taxes are deposited in one account, economic activity taxes are deposited in a second account, other net new revenues are deposited in a third account, and other revenues, if any, received by the authority or the municipality for the purpose of implementing a development plan or a development project are deposited in a fourth account;

(19) "State income tax increment", the estimate of the income tax due the state for salaries or wages paid to new employees in new jobs at a business located in the development project area and created by the development project. The estimate shall be a percentage of the gross payroll which percentage shall be based upon an analysis by the department of revenue of the practical tax rate on gross payroll as a factor in overall taxable income. In no event shall the percentage exceed two percent;

(20) "State sales tax increment", the incremental increase in the state sales tax revenue in the development project area. In no event shall the incremental increase include any amounts attributable to retail sales unless the Missouri agricultural and small business development authority and the department of economic development are satisfied based on the information provided by the municipality or authority, and such entities have made a finding that a substantial portion of all but a de minimus portion of the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. In addition, the incremental increase for an existing facility shall be the amount by which the state sales tax revenue generated at the facility exceeds the state sales tax revenue generated at the facility in the baseline year. The incremental increase for a Missouri facility which relocates to a development project area shall be the amount by which the state sales tax revenue of the facility exceeds the state sales tax revenue for the facility in the calendar year prior to relocation;

(21) "State sales tax revenues", the general revenue portion of state sales tax revenues received pursuant to section 144.020, RSMo, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, RSMo, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law;

(22) "Taxing districts", any political subdivision of this state having the power to levy taxes; and

(23) "Taxing district's capital costs", those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from a development project.

**99.1006. RURAL ECONOMIC STIMULUS AUTHORITY AUTHORIZED, LIMITATIONS.** — Each municipality may create an authority to be known as a "Rural Economic Stimulus Authority"; provided, however:

(1) No such authority shall transact any business or exercise its powers pursuant to sections 99.1000 to 99.1060 until and unless the governing body of such municipality shall, in accordance with subsection 1 of section 99.1033, approve, by ordinance, the exercise of the powers, functions, and duties of an authority under sections 99.1000 to 99.1060;

(2) No governing body of a municipality shall adopt an ordinance pursuant to subdivision (1) of this section unless it finds:

(a) That it would be in the interest of the public to consider the establishment of a development area in accordance with sections 99.1000 to 99.1060; and

(b) That the development of such a development area would be in the interest of the public health, safety, morals, or welfare of the residents of such municipality.

**99.1009. BOARD OF COMMISSIONERS TO GOVERN AUTHORITY — APPOINTMENT OF COMMISSIONERS, TERMS, VACANCIES. — 1.** Each authority created pursuant to section 99.1006 shall be governed by a board of commissioners. The number of commissioners serving on the board of each authority shall be no less than five and no more than fourteen, which number shall be established by ordinance of the municipality.

2. One of the initial commissioners appointed pursuant to this subsection shall be appointed by the school district or districts located within the development area for a term of three years. The other initial commissioners appointed pursuant to this subsection shall serve staggered terms of one, two, and three years as determined by the mayor or chief executive officer of the municipality at the time of their appointment. Thereafter, successor commissioners shall be appointed by the mayor or chief executive officer of the municipality or the school district or districts making the initial appointments for a term of three years. All vacancies shall be filled by appointment of the mayor or chief executive officer of the municipality, or the school district or districts, for the unexpired term. In addition to the commissioners appointed in accordance with this subsection, a nonvoting advisor shall be appointed by the other taxing districts located within the development area.

**99.1012. POWERS OF AUTHORITY EXERCISED BY BOARD — QUORUM REQUIREMENTS, MEETINGS, OFFICERS, EXPENSES, REMOVAL. — 1.** The powers of the authority created pursuant to section 99.1006 shall be exercised by its board of commissioners. A majority of the commissioners shall constitute a quorum of such board for the purpose of conducting business and exercising the powers of the authority and for all other purposes. Action may be taken by the board upon a vote of a majority of the commissioners present in person or by teleconference, unless in any case the bylaws of the authority shall require a larger number. Meetings of the board of the authority may be held anywhere within the municipality.

2. The commissioners of the authority annually shall elect a chair and vice chair from among the commissioners; however, the first chair shall be designated by the mayor for a term of one year. The mayor or chief executive officer of the municipality shall serve as the co-chair of the authority. The authority may employ an executive director, technical experts, and such other officers, agents, and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. For such legal services as it may require, an authority may call upon the chief law officer of the municipality or may employ its own counsel and legal staff.

3. A commissioner of an authority shall receive no compensation for his or her services, but may receive the necessary expenses, including traveling expenses, incurred in the discharge of his or her duties. Each commissioner shall hold office until a successor has been appointed.

4. For inefficiency or neglect of duty or misconduct in office, a commissioner of an authority may be removed by the mayor or chief executive officer of the municipality.

**99.1015. CONTRACTS, AUTHORITY MAY TRANSACT BUSINESS, WHEN — VALIDITY OF AUTHORITY NOT TO BE CHALLENGED, WHEN. — 1.** In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of an authority entered

into pursuant to sections 99.1000 to 99.1060, such authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers under sections 99.1000 to 99.1060 upon proof of the adoption of the appropriate ordinance prescribed in section 99.1006. Each such ordinance shall be deemed sufficient if it authorizes the exercise of powers under sections 99.1000 to 99.1060 by the authority and sets forth the findings of the municipality as required in subdivision (2) of section 99.1006.

2. A copy of such ordinance duly certified by the clerk of the municipality shall be admissible in evidence in any suit, action, or proceeding.

3. No lawsuit to set aside the creation of an authority, the approval of a development plan, development project, development area or development project area, or a tax levied pursuant to sections 99.1000 to 99.1060, or to otherwise question the validity of the proceedings related thereto, shall be brought after the expiration of ninety days from the effective date of the ordinance or resolution in question.

**99.1018. AUTHORITY TO BE PUBLIC BODY CORPORATE AND POLITIC, POWERS — DISCLOSURE OF CONFLICTS OF INTEREST. —** 1. The authority created pursuant to section 99.1006 shall constitute a public body corporate and politic, exercising public and essential governmental functions.

2. A municipality or an authority created pursuant to section 99.1006 shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of sections 99.1000 to 99.1060, including the following powers in addition to others granted pursuant to sections 99.1000 to 99.1060:

(1) To prepare or cause to be prepared and approve development plans and development projects to be considered at public hearings in accordance with sections 99.1000 to 99.1060 and to undertake and carry out development plans and development projects which have been adopted by ordinance;

(2) To arrange or contract for the furnishing or repair, by any person or agency, public or private, of services, privileges, streets, roads, public utilities, or other facilities for or in connection with any development project; and notwithstanding anything to the contrary contained in sections 99.1000 to 99.1060 or any other provision of law, to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of any development project, and to include in any contract let in connection with any such development project provisions to fulfill such of the conditions as it may deem reasonable and appropriate;

(3) Within a development area, to acquire by purchase, lease, gift, grant, bequest, devise, obtain options upon, or otherwise acquire any real or personal property or any interest therein, necessary or incidental to a development project, all in the manner and at such price as the municipality or authority determines is reasonably necessary to achieve the objectives of a development plan;

(4) Within a development area, subject to provisions of section 99.1021 with regard to the disposition of real property, to sell, lease, exchange, transfer, assign, subdivide, retain for its own use, mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real or personal property or any interest therein, all in the manner and at such price and subject to any covenants, restrictions, and conditions as the municipality or authority determines is reasonably necessary to achieve the objectives of a development plan; to make any such covenants, restrictions, or conditions as covenants running with the land, and to provide appropriate remedies for any breach of any such covenants, restrictions, or conditions, including the right in the municipality or authority to terminate such contracts and any interest in the property created pursuant thereto;

(5) Within a development area, to clear any area by demolition or removal of existing buildings and structures;

(6) To install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements as necessary or desirable for the preparation of a development area for use in accordance with a development plan;

(7) Within a development area, to fix, charge, and collect fees, rents, and other charges for the use of any real or personal property, or any portion thereof, in which the municipality or authority has any interest;

(8) To accept grants, guarantees, and donations of property, labor, or other things of value from any public or private source for purposes of implementing a development plan;

(9) In accordance with section 99.1021, to select one or more developers to implement a development plan, or one or more development projects, or any portion thereof;

(10) To charge as a development project cost the reasonable costs incurred by the municipality or authority, the department of economic development, the Missouri development finance board, or the department of revenue in evaluating, administering, or implementing the development plan or any development project;

(11) To borrow money and issue obligations in accordance with sections 99.1000 to 99.1060 and provide security for any such loans or obligations;

(12) To insure or provide for the insurance of any real or personal property or operations of the municipality or authority against any risks or hazards, including the power to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate the purposes of sections 99.1000 to 99.1060;

(13) Within a development area, to renovate, rehabilitate, own, operate, construct, repair, or improve any improvements, buildings, parking garages, fixtures, structures, and other facilities;

(14) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to redeem obligations at the redemption price established therein or to purchase obligations at less than redemption price, all obligations so redeemed or purchased to be canceled;

(15) To borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the federal government, state, county, municipality, or other public body or from any sources, public or private, for the purposes of implementing a development plan, to give such security as may be required and to enter into and carry out contracts in connection therewith. A municipality or authority, notwithstanding the provisions of any other law, may include in any contract for financial assistance with the federal government for a project such conditions imposed pursuant to federal law as the municipality or authority may deem reasonable and appropriate and which are not inconsistent with the purposes of sections 99.1000 to 99.1060;

(16) To incur development project costs and make such expenditures as may be necessary to carry out the purposes of sections 99.1000 to 99.1060; and to make expenditures from funds obtained from the federal government without regard to any other laws pertaining to the making and approval of appropriations and expenditures;

(17) To loan the proceeds of obligations issued pursuant to sections 99.1000 to 99.1060 for the purpose of providing for the purchase, construction, extension, or improvement of public infrastructure related to a development project by a developer pursuant to a development contract approved by the municipality or authority in accordance with subdivision (2) of section 99.1021;

(18) To declare any funds, or any portion thereof, in the special allocation fund to be excess funds, so long as such excess funds have not been pledged to the payment of

outstanding obligations or outstanding development project costs, are not necessary for the payment of development project costs incurred or anticipated to be incurred, and are not required to pay baseline state sales taxes and baseline state withholding taxes to the director of revenue. Any such funds deemed to be excess shall be disbursed in the manner of surplus funds as provided in section 99.1051;

(19) To pledge or otherwise expend funds deposited to the special allocation fund, or any portion thereof, for the payment or reimbursement of development project costs incurred by the authority, the municipality, a developer selected by the municipality or authority, or any other entity with the consent of the municipality or authority; to pledge or otherwise expend funds deposited to the special allocation fund, or any portion thereof, or to mortgage or otherwise encumber its property, or any portion thereof, for the payment of obligations issued to finance development project costs; provided, however, any such pledge or expenditure of economic activity taxes or other net new revenues shall be subject to annual appropriation by the municipality; and

(20) To exercise all powers or parts or combinations of powers necessary, convenient, or appropriate to undertake and carry out development plans and any development projects and all the powers granted pursuant to sections 99.1000 to 99.1060, excluding powers of eminent domain.

2. If any member of the governing body of the municipality, a commissioner of the authority, or an employee or consultant of the municipality or authority, involved in the planning and preparation of a development project, owns or controls an interest, direct or indirect, in any property included in a development project area, the individual shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to a development project and from voting on any matter pertaining to such development project or communicating with other commissioners or members of the authority or the municipality concerning any matter pertaining to such development project. Furthermore, subject to the succeeding sentence, no such member, commissioner, employee, or consultant shall acquire any interest, direct or indirect, in any property in a development project area or proposed development project area, after either such individual obtains knowledge of a development project, or first public notice of such development project, or development project area pursuant to subsection 2 of section 99.1036, whichever first occurs. At any time after one year from the adoption of an ordinance designating a development project area, any commissioner may acquire an interest in real estate located in a development project area so long as any such commissioner discloses such acquisition and refrains from voting on any matter related to the development project area in which the property acquired by such commissioner is located.

3. An authority created pursuant to section 99.1006 shall have the following powers in addition to others granted pursuant to sections 99.1000 to 99.1060:

(1) To sue and to be sued; to have a seal and to alter the same at the authority's pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal bylaws, rules, and regulations, not inconsistent with sections 99.1000 to 99.1060, to carry out the provisions of sections 99.1000 to 99.1060;

(2) To delegate to a municipality or other public body any of the powers or functions of the authority with respect to the planning or undertaking of a development project, and any such municipality or public body is hereby authorized to carry out or perform such powers or functions for the authority;

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(3) To receive and exercise powers delegated by any authority, agency, or agent of a municipality created pursuant to this chapter or chapter 353, RSMo, excluding powers of eminent domain.

**99.1021. DISPOSAL OF REAL PROPERTY.** — Real property which is acquired by a municipality or authority in a development project area may be disposed of as follows:

(1) Within a development project area, the authority may sell, lease, exchange, or otherwise transfer real property, including land, improvements, and fixtures, or any interest therein, to any developer selected for a development project, or any portion thereof, in accordance with the development plan, subject to such covenants, conditions, and restrictions as may be deemed to be in the public interest or to carry out the purposes of sections 99.1000 to 99.1060. Such real property shall be sold, leased, or transferred at its fair market value for uses in accordance with the development plan; provided that such fair market value may be less than the cost of such property to the municipality or authority. In determining the fair market value of real property for uses in accordance with a development plan, the municipality or authority shall take into account and give consideration to the uses and purposes required by the development plan; the restrictions upon, and the covenants, conditions, and obligations assumed by the developer of such property; the objectives of the development plan; and such other matters as the municipality or authority shall specify as being appropriate. In fixing rental and sale prices, a municipality or authority shall give consideration to appraisals of the property for such uses made by experts employed by the municipality or authority;

(2) The municipality or authority shall, by public notice published in a newspaper having a general circulation in a development area, prior to selecting one or more developers for any development project, or any portion thereof, invite proposals from, and make available all pertinent information to, private developers or any persons interested in undertaking the development of such development project, or any portion thereof. Such notice shall be published at least once each week during the two weeks preceding the selection of a developer, shall identify the area of the development project or development projects, or any portion thereof, for which one or more developers are to be selected, and shall state that such further information as it is available may be obtained at the office of the municipality or authority. The municipality or authority shall consider all proposals and the financial and legal ability of the prospective developers to carry out their proposals. The municipality or authority may negotiate and enter into one or more contracts with any developer selected for the development of any such area for the development of such area by such developer in accordance with a development plan or for the sale or lease of any real property to any such developer in any such area for the purpose of developing such property in accordance with the development plan. The municipality or authority may enter into any such contract as it deems to be in the public interest and in furtherance of the purposes of sections 99.1000 to 99.1060; provided that the municipality or authority has, not less than ten days prior thereto, notified the governing body in writing of its intention to enter into such contract. Thereafter, the municipality or authority may execute such contract in accordance with the provisions of subdivision (1) of this section and deliver deeds, leases, and other instruments and take all steps necessary to effectuate such contract. In its discretion, the municipality or authority may, in accordance with the provisions of this subdivision, dispose of any real property in an area selected for a development project, or any portion thereof, to private developers for development under such reasonable competitive bidding procedures as it shall prescribe, subject to the provisions of subdivision (1) of this section;

(3) In carrying out a development project, the authority may:

(a) Convey to the municipality such real property as, in accordance with the development plan, is to be dedicated as public right-of-way for streets, sidewalks, alleys,

or other public ways, this power being additional to and not limiting any and all other powers of conveyance of property to municipalities expressed, generally or otherwise, in sections 99.1000 to 99.1060;

(b) Grant servitudes, easements, and rights-of-way for public utilities, sewers, streets, and other similar facilities, in accordance with the development plan; and

(c) Convey to the municipality or other appropriate public body such real property as, in accordance with the development plan, is to be used for parks, schools, public buildings, facilities, or other public purposes;

(4) The municipality or authority may operate and maintain real property in the development area pending the disposition or development of the property in accordance with a development plan, without regard to the provisions of subdivisions (1) and (2) of this section, for such uses and purposes as may be deemed desirable even though not in conformity with the development plan.

**99.1027. DEVELOPMENTAL PLAN, CONTENTS, ADOPTION OF, PROCEDURE. — 1.** A development plan shall set forth in writing a general description of the program to be undertaken to accomplish the development projects and related objectives and shall include, but need not be limited to:

(1) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;

(2) The street address of the development site;

(3) The three-digit North American Industry Classification System number or numbers characterizing the development project;

(4) The estimated development project costs;

(5) The anticipated sources of funds to pay such development project costs;

(6) Evidence of the commitments to finance such development project costs;

(7) The anticipated type and term of the sources of funds to pay such development project costs;

(8) The anticipated type and terms of the obligations to be issued;

(9) The most recent equalized assessed valuation of the property within the development project area;

(10) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;

(11) The general land uses to apply in the development area;

(12) The total number of individuals employed in the development area, categorized by full-time, part-time, and temporary positions;

(13) The total number of full-time equivalent positions in the development area;

(14) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;

(15) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, categorized by full-time, part-time, and temporary positions;

(16) The number of new jobs to be created by any business benefitting from public expenditures in the development area, categorized by full-time, part-time, and temporary positions;

(17) The average hourly wage to be paid to all current and new employees at the project site, categorized by full-time, part-time, and temporary positions;

(18) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;

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(19) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;

(20) A list of other community and economic benefits to result from the project;

(21) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;

(22) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this act is being sought;

(23) A statement as to whether the development project may reduce employment at any other site, within or without of the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;

(24) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;

(25) A list of businesses that are competing with the business benefitting from the development plan in the county containing the development area and in each contiguous county;

(26) A market study for the development area; and

(27) A certification by the chief officer of the applicant as to the accuracy of the development plan.

2. The development plan may be adopted by a municipality in reliance on findings that a reasonable person would believe:

(1) The development area has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the implementation of one or more development projects and the adoption of local and state development financing;

(2) The development plan conforms to the comprehensive plan for the development of the municipality as a whole;

(3) The estimated dates, which shall not be more than twenty-five years from the adoption of the ordinance approving any development project, of the completion of such development project and retirement of obligations incurred to finance development project costs have been stated, provided that no ordinance approving a development project shall be adopted later than fifteen years from the adoption of the ordinance approving the development plan and provided that no property for a development project shall be acquired by eminent domain later than ten years from the adoption of the ordinance approving such development plan;

(4) In the event any business or residence is to be relocated as a direct result of the implementation of the development plan, a plan has been developed for relocation assistance for businesses and residences;

(5) A cost-benefit analysis showing the economic impact of the development plan on the municipality and school districts that are at least partially within the boundaries of the development area. The analysis shall show the impact on the economy if the development projects are not built pursuant to the development plan under consideration. The cost-benefit analysis shall include a fiscal impact study on each municipality and school district which is at least partially within the boundaries of the development area, and sufficient information from the authority to evaluate whether each development project as proposed is financially feasible; and

(6) An economic feasibility analysis including a pro forma financial statement indicating the return on investment that may be expected without public assistance. The financial statement shall detail any assumptions made, a pro forma statement analysis

demonstrating the amount of assistance required to bring the return into a range deemed attractive to private investors, which amount shall not exceed the estimated reimbursable project costs.

**99.1030. PERMISSION NEEDED FOR DESIGNATION OF DEVELOPMENT AREA OUTSIDE BOUNDARIES OF MUNICIPALITY.** — In the event a municipality desires to designate a development area located in whole or in part outside the incorporated boundaries of the municipality and within the boundaries of another municipality, such municipality shall first obtain the permission of the governing body of such other municipality.

**99.1033. POWERS OF MUNICIPALITY CREATING AUTHORITY — POWERS AUTHORIZED TO AUTHORITY — PUBLIC HEARINGS HELD, WHEN.** — 1. A municipality which has created an authority pursuant to section 99.1006 may:

(1) Approve by ordinance the exercise by the authority of the powers, functions, and duties of the authority under sections 99.1000 to 99.1060; and

(2) After adopting an ordinance in accordance with subdivision (1) of this subsection and after receipt of recommendations from the authority in accordance with subsection 3 of this section, by ordinance, designate development areas, adopt the development plans, and development projects, designate a development project area for each development project adopted, and adopt development financing for each such development project area. No development plan may be adopted until the development area is designated. No development project shall be adopted until the development plan is adopted and the development project area for each development project shall be designated at the time of adopting the development project.

2. A municipality may authorize an authority created pursuant to section 99.1006 to exercise all powers and perform all functions of a transportation development district pursuant to sections 238.200 to 238.275, RSMo, within a development area.

3. The municipality or authority shall hold public hearings and provide notice pursuant to sections 99.1042 and 99.1045. Within ten days following the completion of any such public hearing, the authority shall vote on, and shall make recommendation to the governing body of the municipality with regard to any development plan, development projects, designation of a development area or amendments thereto which were proposed at such public hearing.

**99.1036. ADOPTION OF AUTHORIZING ORDINANCE, PUBLIC HEARINGS TO BE HELD — NOTICE FOR HEARING, CONTENTS.** — 1. Prior to the adoption of the ordinance designating a development area, adopting a development plan, or approving a development project, the municipality or authority shall fix a time and place for a public hearing and notify each taxing district located wholly or partially within the boundaries of the proposed development area or development project area affected. Such notice shall comply with the provisions of subsection 2 of this section. At the public hearing any interested person or affected taxing district may file with the municipality or authority written objections to, or comments on, and may be heard orally in respect to, any issues regarding the plan or issues embodied in the notice. The municipality or authority shall hear and consider all protests, objections, comments, and other evidence presented at the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing. Prior to the conclusion of the hearing, changes may be made in the development plan, development project, development area or development project area, provided that written notice of such changes is available at the public hearing. After the public hearing but prior to the adoption of an ordinance designating a development area, adopting a development plan or approving a development project, changes may be made to any such proposed

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development plan, development project, development area, or development project area without a further hearing, if such changes do not enlarge the exterior boundaries of the development area, and do not substantially affect the general land uses established in a development plan or development project, provided that notice of such changes shall be given by mail to each affected taxing district and by publication in a newspaper of general circulation in the development area or development project area, as applicable, not less than ten days prior to the adoption of the changes by ordinance. After the adoption of an ordinance designating the development area, adopting a development plan, approving a development project, or designating a development project area, no ordinance shall be adopted altering the exterior boundaries of the development area or a development project area, affecting the general land uses established pursuant to the development plan or the general nature of a development project without holding a public hearing in accordance with this section. One public hearing may be held for the simultaneous consideration of a development area, development plan, development project, or development project area.

2. Notice of the public hearing required by this section shall be given by publication and mailing. Notice by publication shall be given by publication at least twice, the first publication to be not more than thirty days and the second publication to be not more than ten days prior to the hearing, in a newspaper of general circulation in the proposed development area or development project area, as applicable. Notice by mailing shall be given by depositing such notice in the United States mail by certified mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the proposed development area or development project area, as applicable, which is to be subjected to the payment or payments in lieu of taxes and economic activity taxes pursuant to section 99.1042. Such notice shall be mailed not less than ten working days prior to the date set for the public hearing. In the event taxes for the last preceding year were not paid, the notice shall also be sent to the persons last listed on the tax rolls within the preceding three years as the owners of such property.

3. The notices issued pursuant to this section shall include the following:

- (1) The time and place of the public hearing;
- (2) The general boundaries of the proposed development area or development project area, as applicable, by street location, where possible;
- (3) A statement that all interested persons shall be given an opportunity to be heard at the public hearing;
- (4) A description of the development plan and the proposed development projects and a location and time where the entire development plan or development projects proposed may be reviewed by any interested party;
- (5) An estimate of other net new revenues;
- (6) A statement that development financing involving tax revenues and payments in lieu of taxes is being sought for the project and an estimate of the amount of local development financing that will be requested, if applicable; and
- (7) Such other matters as the municipality or authority may deem appropriate.

4. Not less than forty-five days prior to the date set for the public hearing, the municipality or authority shall give notice by mail as provided in subsection 2 of this section to all taxing districts with jurisdiction over taxable property in the development area or development project area, as applicable, and in addition to the other requirements pursuant to subsection 3 of this section, the notice shall include an invitation to each taxing district to submit comments to the municipality or authority concerning the subject matter of the hearing prior to the date of the hearing.

5. A copy of any and all hearing notices required by this section shall be submitted by the municipality or authority to the director of the department of economic development and the date such notices were mailed or published, as applicable.

**99.1039. FINANCING PROJECT COSTS, ISSUANCE OF OBLIGATIONS PERMITTED, PROCEDURE — IMMUNITY FROM LIABILITY FOR OBLIGATIONS — RETIRING OR REFINANCING DEBT, LIMITATIONS. — 1.** For the purpose of financing development project costs, obligations may be issued by the municipality, or, at the request of the municipality, by the authority or any other political subdivision authorized to issue bonds, but in no event by the state, to pay or reimburse development project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance or resolution authorizing the issuance of such obligations.

2. Obligations issued pursuant to sections 99.1000 to 99.1060 may be issued in one or more series bearing interest at such rate or rates as the issuing entity shall determine by ordinance or resolution. Such obligations shall bear such date or dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms, and conditions, and be subject to redemption as such ordinance or resolution shall provide. Obligations issued pursuant to sections 99.1000 to 99.1060 may be sold at public or private sale at such price as shall be determined by the issuing entity and shall state that obligations issued pursuant to sections 99.1000 to 99.1060 are special obligations payable solely from the funds specifically pledged. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to sections 99.1000 to 99.1060.

3. In the event the obligations contain a recital that they are issued pursuant to sections 99.1000 to 99.1060, such recital shall be conclusive evidence of their validity and of the regularity of their issuance.

4. Neither the municipality, the authority, or any other entity issuing such obligations, or the members, commissioners, directors, or the officers of any such entities nor any person executing any obligation shall be personally liable for such obligation by reason of the issuance thereof. The obligations issued pursuant to sections 99.1000 to 99.1060 shall not be a general obligation of the state, the municipality, or any political subdivision thereof, nor in any event shall such obligation be payable out of any funds or properties other than those specifically pledged as security for such obligations. The obligations shall not constitute indebtedness within the meaning of any constitutional, statutory, or charter debt limitation or restriction.

5. Obligations issued pursuant to sections 99.1000 to 99.1060 may be issued to refund, in whole or in part, obligations theretofore issued by such entity pursuant to the authority of sections 99.1000 to 99.1060, whether at or prior to maturity; provided, however, that the last maturity of the refunding obligations shall not be expressed to mature later than the last maturity date of the obligations to be refunded.

6. In the event a municipality or authority issues obligations under home rule powers or other legislative authority, the proceeds of which are pledged to pay for development project costs, the municipality may retire such obligations from funds in the special allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of sections 99.1000 to 99.1060.

7. State supplemental rural development financing shall not be used for retiring or refinancing debt or obligations on a previously publicly financed redevelopment project without express approval from the director of the department of economic development and the agricultural and small business development authority created pursuant to section 348.020, RSMo. No approval shall be granted unless the application for state supplemental rural development financing contains development projects that are new

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projects which were not a part of the development projects for which there is existing public debt or obligations.

**99.1042. ADOPTION OF DEVELOPMENT FINANCING BY ORDINANCE — COUNTY ASSESSOR TO DETERMINE TOTAL EQUALIZED ASSESSED VALUE — CALCULATION OF AD VALOREM TAXES — ALLOCATION OF ECONOMIC ACTIVITY TAXES. — 1.** A municipality, after designating a development area, adopting a development plan, and adopting any development project in conformance with the procedures of sections 99.1000 to 99.1060, may adopt development financing for the development project area selected for any such development project by passing an ordinance. Upon the adoption of the first of any such ordinances, the municipality shall establish, or shall direct the authority to establish, a special allocation fund for the development area.

2. Immediately upon the adoption of a resolution or ordinance adopting development financing for a development project area pursuant to subsection 1 of this section, the county assessor shall determine the total equalized assessed value of all taxable real property within such development project area by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract, or parcel of real property within such development project area as of the date of the adoption of such resolution or ordinance and shall provide to the clerk of the municipality written certification of such amount as the total initial equalized assessed value of the taxable real property within such development project area.

3. In each of the twenty-five calendar years following the adoption of an ordinance adopting development financing for a development project area pursuant to subsection 1 of this section unless and until development financing for such development project area is terminated by ordinance of the municipality, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such development project area by taxing districts at the tax rates determined in the manner provided in section 99.1054 shall be divided as follows:

(1) That portion of taxes, penalties, and interest levied upon each taxable lot, block, tract, or parcel of real property in such development project area which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in such development project area as certified by the county assessor in accordance with subsection 2 of this section shall be allocated to and, when collected, shall be paid by the collecting authority to the respective affected taxing districts in the manner required by law in the absence of the adoption of development financing;

(2) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the development project area and any applicable penalty and interest over and above the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in such development project area as certified by the county assessor in accordance with subsection 2 of this section shall be allocated to and, when collected, shall be paid to the collecting officer of the municipality who shall deposit such payment in lieu of taxes into a separate segregated account for payments in lieu of taxes within the special fund. Payments in lieu of taxes which are due and owing shall constitute a lien against the real property from which such payments in lieu of taxes are derived and shall be collected in the same manner as real property taxes, including the assessment of penalties and interest where applicable. The lien of payments in lieu of taxes may be foreclosed in the same manner as the lien of real property taxes. No part of the current equalized assessed valuation of each taxable lot, block, tract, or parcel of property in any such development project area attributable to any increase above the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in such development project area as certified by the county assessor in accordance with subsection 2 of this section shall be

used in calculating the general state school aid formula provided for in section 163.031, RSMo, until development financing for such development project area expires or is terminated in accordance with sections 99.1000 to 99.1060;

(3) For purposes of this section, "levies upon taxable real property in such development area by taxing districts" shall not include the blind pension fund tax levied under the authority of section 38(b), article III, of the Missouri Constitution, the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6, article X of the Missouri Constitution, the desegregation sales tax, or the conservation taxes.

4. In each of the twenty-five calendar years following the adoption of an ordinance or resolution adopting development financing for a development project area pursuant to subsection 1 of this section unless and until development financing for such development project area is terminated in accordance with sections 99.1000 to 99.1060, fifty percent of the economic activity taxes from such development project area shall be allocated to, and paid by the collecting officer of any such economic activity tax to, the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account for economic activity taxes within the special allocation fund.

5. In no event shall a municipality collect and deposit economic activity taxes in the special allocation fund unless the developing project has been approved for state supplemental rural development financing pursuant to section 99.1045.

**99.1043. ENDOWMENT, CARNEGIE RESEARCH I UNIVERSITY, PRIVATE FUNDS NEEDED FOR ONE-HALF OF ENDOWMENT.** — If a development plan includes an endowment of positions at an institution of higher education which has a designation as a Carnegie Research I University, including any campus of such university system, such endowment must first be funded with a private donation to the institution of higher education in accordance with its endowment policy in an amount of at least one half of the total amount of the endowment. Thereafter, the remaining portion of matching funds for such endowment may be made either from the local economic activity taxes or from a disbursement made from the state supplemental downtown development fund. Any disbursement from the state supplemental downtown development fund for purposes of funding an endowment pursuant to the provisions of this section shall be transferred to general revenue for appropriation of the endowment.

**99.1045. DISBURSEMENT OF PROJECT COSTS, APPROVAL REQUIRED BY AGRICULTURE AND SMALL BUSINESS DEVELOPMENT AUTHORITY — APPLICATION, CONTENTS — CAP ON DISBURSEMENTS — TIME LIMITATIONS ON DISBURSEMENTS — RULEMAKING AUTHORITY.** — 1. A municipality shall submit an application to the Missouri agricultural and small business development authority created pursuant to section 348.020, RSMo, for approval of the disbursement of the project costs of one or more development projects from the state supplemental rural development fund. In no event shall any approval authorize a disbursement of one or more development projects from the state supplemental rural development fund which exceeds the allowable amount of other net new revenues derived from the development area. An application submitted to the Missouri agricultural and small business development authority shall contain the following, in addition to the items set forth in section 99.1027:

(1) An estimate that one hundred percent of the payments in lieu of taxes and economic activity taxes deposited to the special allocation fund must and will be used to pay development project costs or obligations issued to finance development project costs to achieve the objectives of the development plan. Contributions to the development project from any private not-for-profit organization or local contributions from tax abatement or other sources may be substituted on a dollar for dollar basis for the local

match of one hundred percent of payments in lieu of taxes and economic activity taxes from the fund;

(2) Identification of the existing businesses located within the development project area and the development area;

(3) The aggregate baseline year amount of state sales tax revenues and the aggregate baseline year amount of state income tax withheld on behalf of existing employees, reported by existing businesses within the development project area. Provisions of section 32.057, RSMo, notwithstanding, municipalities will provide this information to the department of revenue for verification. The department of revenue will verify the information provided by the municipalities within forty-five days of receiving a request for such verification from a municipality;

(4) An estimate of the state sales tax increment and state income tax increment within the development project area after redevelopment;

(5) An affidavit that is signed by the developer or developers attesting that the provision of subdivision (2) of subsection 3 of section 99.1027 has been met and specifying that the development area would not be reasonably anticipated to be developed without the appropriation of the other net new revenues;

(6) The amounts and types of other net new revenues sought by the applicant to be disbursed from state supplemental rural development fund over the term of the development plan;

(7) The methodologies and underlying assumptions used in determining the estimate of the state sales tax increment and the state income tax increment;

(8) Any other information reasonably requested by the Missouri agricultural and small business development authority.

2. The Missouri agricultural and small business development authority shall make all reasonable efforts to process applications within sixty days of receipt of the application.

3. The Missouri agricultural and small business development authority shall make a determination regarding the application for a disbursement from the state supplemental rural development fund and shall forward such determination to the director of the department of economic development. In no event shall the amount of disbursements from the state supplemental rural development fund approved for a project, in addition to any other state economic development funding or other state incentives, exceed the projected state benefit of the development project, as determined by the department of economic development through a cost-benefit analysis. Any political subdivision located either wholly or partially within the development area shall be permitted to submit information to the department of economic development for consideration in its cost-benefit analysis. Upon approval of state supplemental rural development financing, a certificate of approval shall be issued by the department of economic development containing the terms and limitations of the disbursement.

4. At no time shall the annual amount of other net new revenues approved for disbursements from the state supplemental rural development fund exceed twelve million dollars.

5. Development projects receiving disbursements from the state supplemental rural development fund shall be limited to receiving such disbursements for fifteen years, unless specific approval for a longer term is given by the director of the department of economic development, as set forth in the certificate of approval; except that, in no case shall the duration exceed twenty-five years. The approved term notwithstanding, state supplemental rural development financing shall terminate when development financing for a development project is terminated by a municipality.

6. The municipality shall deposit payments received from the state supplemental rural development fund in a separate segregated account for other net new revenues within the special allocation fund.

7. Development project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development, the Missouri agricultural and small business development authority, and the department of revenue reasonably allocable to each development project approved for disbursements from the state supplemental rural development fund for the ongoing administrative functions associated with such development project. Such amounts shall be recovered from other net new revenues into the state supplemental rural development fund created pursuant to section 99.1048.

8. A development project approved for state supplemental rural development financing may not thereafter elect to receive tax increment financing pursuant to the real property tax increment allocation redevelopment act, sections 99.800 to 99.865, and continue to receive state supplemental rural development financing pursuant to sections 99.1000 to 99.1060.

9. The Missouri agricultural and small business development authority shall promulgate rules and regulations and publish forms to implement the provisions of this section and section 99.1048.

10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section and section 99.1048 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section, section 99.1048, and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

**99.1048. STATE SUPPLEMENTAL RURAL DEVELOPMENT FUND ESTABLISHED, MONEYS IN FUND, USE OF MONEYS, DISBURSEMENTS — RULEMAKING AUTHORITY. —** 1. There is hereby established within the state treasury a special fund to be known as the "State Supplemental Rural Development Fund", to be administered by the department of economic development. Any unexpended balance and any interest in the fund at the end of the biennium shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund. The fund shall consist of:

- (1) The first twelve million dollars of other net new revenues generated annually by the development projects;
- (2) Money received from fees charged pursuant to subsection 7 of section 99.1045; and
- (3) Gifts, contributions, grants, or bequests received from federal, private, or other sources.

2. Notwithstanding the provisions of section 144.700, RSMo, to the contrary, the department of revenue shall annually submit the first twelve million of other net new revenues generated by the development projects to the treasurer for deposit in the state supplemental rural development fund.

3. The department of economic development shall annually disburse funds from the state supplemental rural development fund in amounts determined pursuant to the certificates of approval for projects, providing that the amounts of other net new revenues generated from the development area have been verified and all of the conditions of sections 99.1000 to 99.1060 are met. If the revenues appropriated from the state supplemental rural development fund are not sufficient to equal the amounts determined to be disbursed pursuant to such certificates of approval, the department of economic

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development shall disburse the revenues on a pro rata basis to all such projects and other costs approved pursuant to section 5 of this section.

4. In no event shall the amounts distributed to a project from the state supplemental rural development fund exceed the lesser of the amount of the certificates of approval for projects or the actual other net new revenues generated by the projects.

5. The department of economic development shall not disburse any moneys from the state supplemental rural development fund for any project which has not complied with the annual reporting requirements of section 99.1060.

6. Money in the state supplemental rural development fund may be spent for the reasonable and necessary costs associated with the administration of the program authorized under sections 99.1000 to 99.1060.

7. No municipality shall obligate or commit the expenditure of disbursements received from the state supplemental rural development fund prior to receiving a certificate of approval for the development project generating other net new revenues.

8. Taxpayers in any development area who are required to remit sales taxes pursuant to chapter 144, RSMo, or income tax withholdings pursuant to chapter 143, RSMo, shall provide additional information to the department of revenue in a form prescribed by the department by rule. Such information shall include but shall not be limited to information upon which other net new revenues can be calculated, and shall include the number of new jobs, the gross payroll for such jobs, and sales tax generated in the development area by such taxpayer in the baseline year and during the time period related to the withholding or sales tax remittance.

9. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

**99.1051. TERMINATION OF DEVELOPMENT FINANCING, WHEN, PROCEDURE — DISSOLUTION OF SPECIAL FUND AND TERMINATION OF DESIGNATED AREA. — 1.** When all development project costs and all obligations issued to finance development project costs have been paid in full, the municipality shall adopt an ordinance terminating development financing for all development project areas. Immediately upon the adoption of such ordinance, all payments in lieu of taxes, all economic activity taxes, and other net new revenues then remaining in the special allocation fund shall be deemed to be surplus funds; and thereafter, the rates of the taxing districts shall be extended and taxes levied, collected, and distributed in the manner applicable in the absence of the adoption of development financing. Surplus payments in lieu of taxes shall be paid to the county collector who shall immediately thereafter pay such funds to the taxing districts in the development area selected in the same manner and proportion as the most recent distribution by the collector to the affected taxing districts of real property taxes from real property in the development area. Surplus economic activity taxes shall be paid to the taxing districts in the development area in proportion to the then current levy rates of such taxing districts that are attributable to economic activity taxes. Surplus other net new revenues shall be paid to the state. Any other funds remaining in the special allocation fund following the adoption of an ordinance terminating development financing in accordance with this section shall be deposited to the general fund of the municipality.

2. Upon the payment of all development project costs, retirement of obligations, and the distribution of any surplus funds pursuant to this section, the municipality shall adopt

an ordinance dissolving the special allocation fund and terminating the designation of the development area as a development area.

3. Nothing in sections 99.1000 to 99.1060 shall be construed as relieving property in such areas from paying a uniform rate of taxes, as required by section 3, article X of the Missouri Constitution.

**99.1054. DEBT SERVICE LEVIES, COMPUTATION OF.** — In each of the twenty-five calendar years following the adoption of an ordinance adopting development financing for a development project area, unless and until development financing for such development project area is terminated by ordinance of the municipality, then, in respect to every taxing district containing such development project area, the county clerk, or any other official required by law to ascertain the amount of the equalized assessed value of all taxable property within such development project area for the purpose of computing any debt service levies to be extended upon taxable property within such development project area, shall in every year that development financing is in effect ascertain the amount of value of taxable property in such development project area by including in such amount the certified total initial equalized assessed value of all taxable real property in such development project area in lieu of the equalized assessed value of all taxable real property in such development project area. For the purpose of measuring the size of payments in lieu of taxes under sections 99.1000 to 99.1060, all tax levies shall then be extended to the current equalized assessed value of all property in the development project area in the same manner as the tax rate percentage is extended to all other taxable property in the taxing district.

**99.1057. JOINT COMMITTEE OF GENERAL ASSEMBLY TO REVIEW RURAL ECONOMIC STIMULUS ACT, WHEN — REPORT TO BE SUBMITTED, WHEN.** — Beginning in 2008, and every five years thereafter, a joint committee of the general assembly, comprised of five members appointed by the speaker of the house of representatives and five members appointed by the president pro tempore of the senate, shall review sections 99.1000 to 99.1060. A report based on such review, with any recommended legislative changes, shall be submitted to the speaker of the house of representatives and the president pro tempore of the senate no later than February first following the year in which the review is conducted.

**99.1060. BUSINESSES RELOCATING IN DEVELOPMENT AREA, AUTHORITY TO REPORT TO DEPARTMENT, WHEN — STATUS REPORT SUBMITTED, CONTENTS — ACCESS TO PROJECT SITES — ANNUAL FINANCIAL STATEMENTS REQUIRED.** — 1. By the last day of February each year, the municipality or authority shall report to the director of the department of economic development the name, address, phone number, and primary line of business of any business which relocates to the development area.

2. Each year the governing body of the municipality, or its designee, shall prepare a report concerning the status of the development plan, the development area, and the included development projects, and shall submit a copy of such report to the director of the department of economic development. The report shall include the following:

- (1) The name, street and mailing addresses, phone number, and chief officer of the granting body;
  - (2) The name, street and mailing addresses, phone number, and chief officer of any business benefitting from public expenditures in such development plans and projects;
  - (3) The amount and source of revenue in the special allocation fund;
  - (4) The amount and purpose of expenditures from the special allocation fund;
  - (5) The amount of any pledge of revenues, including principal and interest on any outstanding bonded indebtedness;
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- (6) The original equalized assessed value of the development area;
  - (7) The assessed valuation added to the development area;
  - (8) Payments made in lieu of taxes received and expended;
  - (9) The economic activity taxes generated within the development area in the baseline year;
  - (10) The economic activity taxes generated within the development area after the baseline year;
  - (11) Reports on contracts made incident to the implementation and furtherance of a development area, the development plan, and the included development projects;
  - (12) A copy of the development plan;
  - (13) The cost of any property acquired, disposed of, rehabilitated, reconstructed, repaired, or remodeled;
  - (14) The number of parcels acquired by or through initiation of eminent domain proceedings;
  - (15) A summary of the number of net new jobs created, categorized by full-time, part-time, and temporary positions, and by wage groups;
  - (16) The comparison of the total employment in this state by the any business, including any corporate parent, benefitting from public expenditures in the development area on the date of the application compared to such employment on the date of the report, categorized by full-time, part-time, and temporary positions;
  - (17) A statement as to whether public expenditures on any development project during the previous fiscal year have reduced employment at any other site controlled by any business benefitting from public expenditures in the development area or its corporate parent, within or without of this state as a result of automation, merger, acquisition, corporate restructuring, or other business activity;
  - (18) A summary of the other community and economic benefits resulting from the project, consistent with those identified in the application;
  - (19) A signed certification by the chief officer of the authority or municipality as to the accuracy of the progress report; and
  - (20) Any additional reasonable information the department of economic development deems necessary.
3. The department shall compile and publish all data from the progress reports in both written and electronic form, including the department's Internet web site.
  4. The department shall have access at all reasonable times to the project site and the records of any authority or municipality in order to monitor the development project or projects and to prepare progress reports.
  5. Data contained in the report required pursuant to the provisions of subsection 1 of this section and any information regarding amounts disbursed to municipalities pursuant to the provisions of sections 99.1042 and 99.1048 shall be deemed a public record, as defined in section 610.010, RSMo.
  6. Any municipality failing to file an annual report as required pursuant to this section shall be ineligible to receive any disbursements from the state supplemental rural development fund pursuant to section 99.1048.
  7. The Missouri agricultural and small business development authority and the department of economic development shall annually review the reports provided pursuant to this section.
  8. The director of the department of economic development shall submit a report to the governor, the speaker of the house of representatives, and the president pro tempore of the senate no later than April thirtieth of each year. The report shall contain a summary of all information received by the director of economic development pursuant to subsection 2 of this section.

9. An annual statement showing the payments made in lieu of taxes received and expended in that year, the status of the development area, the development plan, the development projects in the development plan, the amount of outstanding obligations, and any additional information that the municipality deems necessary shall be published in a newspaper of general circulation in the municipality.

10. Five years after the establishment of the development area and the development plan and every five years thereafter the governing body of the municipality or authority shall hold a public hearing regarding the development area and the development plan and the development projects adopted pursuant to sections 99.1000 to 99.1060. The purpose of the hearing shall be to determine if the development area, development plan, and the included development projects are making satisfactory progress under the proposed time schedule contained within the approved development plan for completion of such development projects. Notice of such public hearing shall be given in a newspaper of general circulation in the area served by the municipality or authority once each week for four weeks immediately prior to the hearing.

**100.010. DEFINITIONS.** — As used in sections 100.010 to 100.200, unless the context clearly indicates otherwise, the following words and terms have the following meanings:

(1) "Division", an appropriate division of the department of economic development of the state of Missouri, or any agency which succeeded to the functions of the division of commerce and industrial development;

(2) "Facility", an industrial plant purchased, constructed, extended or improved pursuant to sections 100.010 to 100.200, including the real estate, buildings, fixtures and machinery;

(3) "Governing body", bodies and boards, by whatever names they may be known, charged with the governing of a municipality as herein defined;

(4) "Municipality", any county, city, incorporated town or village of the state;

(5) "Office industry", a regional, national or international headquarters, a telecommunications operation, a computer operation, an insurance company or a credit card billing and processing center;

(6) "Project for industrial development" or "project", the purchase, construction, extension and improvement of warehouses, distribution facilities, research and development facilities, office industries, agricultural processing industries, service facilities which provide interstate commerce, and industrial plants, including the real estate either within or without the limits of such municipalities, buildings, fixtures, and machinery; except that any project of a municipality having fewer than eight hundred inhabitants shall be located wholly within the limits of the municipality;

(7) "Revenue bonds", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a municipality and secured by revenues of a project for industrial development.

**100.050. APPROVAL OF PLAN BY GOVERNING BODY OF MUNICIPALITY — INFORMATION REQUIRED — ADDITIONAL INFORMATION REQUIRED, WHEN — PAYMENTS IN LIEU OF TAXES, APPLIED HOW.** — 1. Any municipality proposing to carry out a project for industrial development shall first, by majority vote of the governing body of the municipality, approve the plan for the project. The plan shall include the following information pertaining to the proposed project:

(1) A description of the project;

(2) An estimate of the cost of the project;

(3) A statement of the source of funds to be expended for the project;

(4) A statement of the terms upon which the facilities to be provided by the project are to be leased or otherwise disposed of by the municipality; and

(5) Such other information necessary to meet the requirements of sections 100.010 to 100.200.

2. If the plan for the project is approved after August 28, 2003, and the project plan involves issuance of revenue bonds or involves conveyance of a fee interest in property to a municipality, the project plan shall additionally include the following information:

(1) A statement identifying each school district, county, or city affected by such project except property assessed by the state tax commission pursuant to chapters 151 and 153, RSMo;

(2) The most recent equalized assessed valuation of the real property and personal property included in the project, and an estimate as to the equalized assessed valuation of real property and personal property included in the project after development;

(3) An analysis of the costs and benefits of the project on each school district, county, or city; and

(4) Identification of any payments in lieu of taxes expected to be made by any lessee of the project, and the disposition of any such payments by the municipality.

3. If the plan for the project is approved after August 28, 2003, any payments in lieu of taxes expected to be made by any lessee of the project shall be applied in accordance with this section. The lessee may reimburse the municipality for its actual costs of issuing the bonds and administering the plan. All amounts paid in excess of such actual costs shall, immediately upon receipt thereof, be disbursed by the municipality's treasurer or other financial officer to each school district, county, or city in proportion to the current ad valorem tax levy of each school district, county, or city.

**100.060. NOTICE OF PROPOSED PROJECT FOR INDUSTRIAL DEVELOPMENT, WHEN, CONTENTS — LIMITATION ON INDEBTEDNESS, INCLUSIONS — APPLICABILITY, LIMITATION.**

— 1. The governing body of any municipality proposing a project for industrial development which involves issuance of revenue bonds or involves conveyance of a fee interest in property to a municipality shall, not less than twenty days before approving the plan for a project as required by section 100.050, provide notice of the proposed project to the county in which the municipality is located and any school district that is a school district, county, or city. Such notice shall include the information required in section 100.050, shall state the date on which the governing body of the municipality will first consider approval of the plan, and shall invite such school districts, counties, or cities to submit comments to the governing body and the comments shall be fairly and duly considered.

2. Notwithstanding any other provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to section 26(b), article VI, Constitution of Missouri, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes.

3. The county assessor shall include the current assessed value of all property within the school district, county, or city in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, RSMo, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to section 26(b), article VI, Constitution of Missouri.

4. This section is applicable only if the plan for the project is approved after August 28, 2003.

**100.105. MUNICIPALITY TO FILE ANNUAL REPORT ON BOND ISSUANCES WITH DEPARTMENT, CONTENT.** — No later than January thirty-first of each year, the municipality shall file a report with the department of economic development on the previous year's revenue bond

issuances and general obligation bond issuances, which report shall contain only the following information:

- (1) The name, address, spokesperson, and telephone number of the issuing entity;
- (2) The name, address, age, and type of business of the beneficiary firm;
- (3) The amount, term, interest rate or rates, and date of issuance of the bonds issued;
- (4) The name and address of the underwriter, if any, of such bonds;
- (5) The name and address of the guarantor, if any;
- (6) The size, by assets and previous year's sales, and the current number of employees, of the beneficiary firm;
- (7) A copy of the preliminary official statement used when offering the bonds for sale;
- (8) The estimated number of new jobs to be generated by the proposed project;
- (9) A list of the use of bond proceeds, including whether the purpose of the project and the funds generated by the issuance of such bonds is to open a new business, build a branch plant, expand an existing facility, or acquire an existing business[;] **together with a general description of the real property or personal property purchased by or on behalf of the municipality with such proceeds; and**
- (10) The estimated total cost of the project.

**100.180. MUNICIPALITY'S POWER TO ENTER INTO LOANS, SALES, LEASES OR MORTGAGES — TERMS — REQUIREMENTS.** — The municipality shall have the authority to enter into loan agreements, sell, lease, or mortgage to private persons, partnerships or corporations the facilities purchased, constructed or extended by the municipality for manufacturing and industrial development purposes. In the event that the facility has been financed by revenue bonds, the installments of charges or rents shall be sufficient to meet the interest and sinking fund requirements on the bonds. The loan agreement, installment sale agreement, [or] lease, **or other such document** shall contain such other terms as are agreed upon between the municipality and the obligor, provided that such terms shall be consistent with the other provisions of sections 100.010 to 100.200.

**100.710. DEFINITIONS.** — As used in sections 100.700 to 100.850, the following terms mean:

- (1) "Assessment", an amount of up to five percent of the gross wages paid in one year by an eligible industry to all eligible employees in new jobs, or up to ten percent if the economic development project is located within a distressed community as defined in section 135.530, RSMo;
- (2) "Board", the Missouri development finance board as created by section 100.265;
- (3) "Certificates", the revenue bonds or notes authorized to be issued by the board pursuant to section 100.840;
- (4) "Credit", the amount agreed to between the board and an eligible industry, but not to exceed the assessment attributable to the eligible industry's project;
- (5) "Department", the Missouri department of economic development;
- (6) "Director", the director of the department of economic development;
- (7) "Economic development project":
  - (a) The acquisition of any real property by the board, the eligible industry, or its affiliate;
 or
  - (b) The fee ownership of real property by the eligible industry or its affiliate; and
  - (c) For both paragraphs (a) and (b) of subdivision (7) of this section, "economic development project" shall also include the development of the real property including construction, installation, or equipping of a project, including fixtures and equipment, and facilities necessary or desirable for improvement of the real property, including surveys; site tests and inspections; subsurface site work; excavation; removal of structures, roadways, cemeteries and other surface obstructions; filling, grading and provision of drainage, storm water retention,

installation of utilities such as water, sewer, sewage treatment, gas, electricity, communications and similar facilities; off-site construction of utility extensions to the boundaries of the real property; and the acquisition, installation, or equipping of facilities on the real property, for use and occupancy by the eligible industry or its affiliates;

(8) "Eligible employee", a person employed on a full-time basis in a new job at the economic development project averaging at least thirty-five hours per week who was not employed by the eligible industry or a related taxpayer in this state at any time during the twelve-month period immediately prior to being employed at the economic development project. **For an essential industry, a person employed on a full-time basis in an existing job at the economic development project averaging at least thirty-five hours per week may be considered an eligible employee for the purposes of the program authorized by sections 100.700 to 100.850;**

(9) "Eligible industry", a business located within the state of Missouri which is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, office industries, or agricultural processing, but excluding retail, health or professional services. "Eligible industry" does not include a business which closes or substantially reduces its operation at one location in the state and relocates substantially the same operation to another location in the state. This does not prohibit a business from expanding its operations at another location in the state provided that existing operations of a similar nature located within the state are not closed or substantially reduced. This also does not prohibit a business from moving its operations from one location in the state to another location in the state for the purpose of expanding such operation provided that the board determines that such expansion cannot reasonably be accommodated within the municipality in which such business is located, or in the case of a business located in an incorporated area of the county, within the county in which such business is located, after conferring with the chief elected official of such municipality or county and taking into consideration any evidence offered by such municipality or county regarding the ability to accommodate such expansion within such municipality or county. An eligible industry must:

(a) Invest a minimum of fifteen million dollars, or ten million dollars for an office industry, in an economic development project; and

(b) Create a minimum of one hundred new jobs for eligible employees at the economic development project or a minimum of five hundred jobs if the economic development project is an office industry or a minimum of two hundred new jobs if the economic development project is an office industry located within a distressed community as defined in section 135.530, RSMo. **An industry that meets the definition of "essential industry" may be considered an eligible industry for the purposes of the program authorized by sections 100.700 to 100.850;**

(10) "Essential industry", a business that otherwise meets the definition of eligible industry except an essential industry shall:

(a) Be a targeted industry;

(b) Be located in a home rule city with more than twenty-six thousand but less than twenty-seven thousand inhabitants located in any county with a charter form of government and with more than one million inhabitants;

(c) Have maintained at least two thousand jobs at the proposed economic development project site each year for a period of four years preceding the year in which application for the program authorized by sections 100.700 to 100.850 is made and during the year in which said application is made;

(d) For the duration of the certificates, retain at the proposed economic development project site the level of employment that existed at the site in the taxable year immediately preceding the year in which application for the program authorized by sections 100.700 to 100.850 is made; and

(e) **Invest a minimum of five hundred million dollars in the economic development project by the end of the third year after the issuance of the certificates under this program;**

[(10)] (11) "New job", a job in a new or expanding eligible industry not including jobs of recalled workers, replacement jobs or jobs that formerly existed in the eligible industry in the state. **For an essential industry, an existing job may be considered a new job for the purposes of the program authorized by sections 100.700 to 100.850;**

[(11)] (12) "Office industry", a regional, national or international headquarters, a telecommunications operation, a computer operation, an insurance company, or a credit card billing and processing center;

[(12)] (13) "Program costs", all necessary and incidental costs of providing program services including payment of the principal of premium, if any, and interest on certificates, including capitalized interest, issued to finance a project, and funding and maintenance of a debt service reserve fund to secure such certificates. Program costs shall include:

(a) Obligations incurred for labor and obligations incurred to contractors, subcontractors, builders and materialmen in connection with the acquisition, construction, installation or equipping of an economic development project;

(b) The cost of acquiring land or rights in land and any cost incidental thereto, including recording fees;

(c) The cost of contract bonds and of insurance of all kinds that may be required or necessary during the course of acquisition, construction, installation or equipping of an economic development project which is not paid by the contractor or contractors or otherwise provided for;

(d) All costs of architectural and engineering services, including test borings, surveys, estimates, plans and specifications, preliminary investigations and supervision of construction, as well as the costs for the performance of all the duties required by or consequent upon the acquisition, construction, installation or equipping of an economic development project;

(e) All costs which are required to be paid under the terms of any contract or contracts for the acquisition, construction, installation or equipping of an economic development project; and

(f) All other costs of a nature comparable to those described in this subdivision;

[(13)] (14) "Program services", administrative expenses of the board, including contracted professional services, and the cost of issuance of certificates;

**(15) "Targeted industry", an industry or one of a cluster of industries that is identified by the department as critical to the state's economic security and growth and affirmed as such by the joint committee on economic development policy and planning established in section 620.602, RSMo.**

**100.840. BOARD, POWERS TO BORROW MONEY — ISSUE AND SELL CERTIFICATES — SALE OR EXCHANGE OF REFUNDING CERTIFICATES — CERTIFICATES NOT INDEBTEDNESS OF STATE. — 1.** To provide funds for the present payment of the costs of economic development projects, the board may borrow money and issue and sell certificates payable from a sufficient portion of the future receipts of payments authorized by the agreement. [The total amount of outstanding certificates sold by the board shall not exceed seventy-five million dollars.] The receipts shall be pledged to the payment of principal of and interest on the certificates. Certificates may be sold at public sale or at private sale at par, premium, or discount of not less than ninety-five percent of the par value thereof, at the discretion of the board, and may bear interest at such rate or rates as the board shall determine, notwithstanding the provisions of section 108.170, RSMo, to the contrary. Certificates may be issued with respect to a single project or multiple projects and may contain terms or conditions as the board may provide by resolution authorizing the issuance of the certificates.

2. Certificates issued to refund other certificates may be sold at public sale or at private sale as provided in this section with the proceeds from the sale to be used for the payment of the certificates being refunded. The refunding certificates may be exchanged in payment and

discharge of the certificates being refunded, in installments at different times or an entire issue or series at one time. Refunding certificates may be sold or exchanged at any time on, before, or after the maturity of the outstanding certificates to be refunded. Certificates may be issued for the purpose of refunding a like, greater or lesser principal amount of certificates and may bear a higher, lower or equivalent rate of interest than the certificates being renewed or refunded.

3. The board shall determine if revenues provided in the agreement are sufficient to secure the faithful performance of obligations in the agreement.

4. Certificates issued pursuant to this section shall not be deemed to be an indebtedness of the state or the board or of any political subdivision of the state.

**100.850. ASSESSMENTS REMITTAL, JOB DEVELOPMENT ASSESSMENT FEE — COMPANY RECORDS AVAILABLE TO BOARD, WHEN — WHEN REMITTED ASSESSMENT CEASES — TAX CREDIT AMOUNT, CAP, CLAIMING CREDIT — REFUNDS. —** 1. The approved company shall remit to the board a job development assessment fee, not to exceed five percent of the gross wages of each eligible employee whose job was created as a result of the economic development project, or not to exceed ten percent if the economic development project is located within a distressed community as defined in section 135.530, RSMo, for the purpose of retiring bonds which fund the economic development project.

2. Any approved company remitting an assessment as provided in subsection 1 of this section shall make its payroll books and records available to the board at such reasonable times as the board shall request and shall file with the board documentation respecting the assessment as the board may require.

3. Any assessment remitted pursuant to subsection 1 of this section shall cease on the date the bonds are retired.

4. Any approved company which has paid an assessment for debt reduction shall be allowed a tax credit equal to the amount of the assessment. The tax credit may be claimed against taxes otherwise imposed by chapters 143 and 148, RSMo, except withholding taxes imposed under the provisions of sections 143.191 to 143.265, RSMo, which were incurred during the tax period in which the assessment was made.

**5. In no event shall the aggregate amount of tax credits authorized by subsection 4 of this section exceed eleven million dollars annually.**

6. The director of revenue shall issue a refund to the approved company to the extent that the amount of credits allowed in subsection 4 of this section exceed the amount of the approved company's income tax.

**135.207. SATELLITE ZONES MAY BE ESTABLISHED IN CERTAIN CITIES OR VILLAGES, REQUIREMENTS. —** 1. (1) Any city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county and any city not within a county, which includes an existing state designated enterprise zone within the corporate limits of the city may each, upon approval of the local governing authority of the city and the director of the department of economic development, designate up to three satellite zones within its corporate limits. A prerequisite for the designation of a satellite zone shall be the approval by the director of a plan submitted by the local governing authority of the city describing how the satellite zone corresponds to the city's overall enterprise zone strategy.

(2) Any Missouri community classified as a village whose borders lie adjacent to a city with a population in excess of three hundred fifty thousand inhabitants as described in subdivision (1) of this subsection, and which has within the corporate limits of the village a factory, mining operation, office, mill, plant or warehouse which has at least three thousand employees and has an investment in plant, machinery and equipment of at least two hundred million dollars may, upon securing approval of the director and the local governing authorities of the village and the adjacent city which contains an existing state designated enterprise zone, designate one satellite

zone to be located within the corporate limits of the village, such zone to be in addition to the six authorized in subdivision (1) of this subsection.

(3) Any geographical area partially contained within any city not within a county and partially contained within any county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, which area is comprised of a total population of at least four thousand inhabitants but not more than seventy-two thousand inhabitants, and which area consists of at least one fourth class city, and has within its boundaries a military reserve facility and a utility pumping station having a capacity of ten million cubic feet, may, upon securing approval of the director and the appropriate local governing authorities as provided for in section 135.210, be designated as a satellite zone, such zone to be in addition to the six authorized in subdivision (1) of this subsection.

**(4) In addition to all other satellite zones authorized in this section, any home rule city with more than seventy-three thousand but less than seventy-five thousand inhabitants, which includes an existing state designated enterprise zone within the corporate limits of the city, may, upon approval of the local governing authority of the city and director of the department of economic development, designate a satellite zone within its corporate limits. A prerequisite for the designation of a satellite zone pursuant to this subdivision shall be the approval by the director of the department of economic development of a plan submitted by the local governing authority of such city describing how the satellite zone corresponds to the city's overall enterprise zone strategy.**

**(5) In addition to all other satellite zones authorized in this section, any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants, which includes an existing state designated enterprise zone within the corporate limits of the city, may, upon approval of the local governing authority of the city and director of the department of economic development, designate a satellite zone within its corporate limits along the south-west corner of any intersection of two United States interstate highways. A prerequisite for the designation of a satellite zone pursuant to this subdivision shall be the approval by the director of the department of economic development of a plan submitted by the local governing authority of such city describing how the satellite zone corresponds to the city's overall enterprise zone strategy.**

**(6) In addition to all other satellite zones authorized in this section, any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants which includes an existing state designated enterprise zone within the corporate limits of the city may, upon approval of the governing authority of the city and the director of the department of economic development, designate one satellite zone within its corporate limits. No satellite zone shall be designated pursuant to this subdivision until the governing authority of the city submits a plan describing how the satellite zone corresponds to the city's overall enterprise zone strategy and the director approves the plan.**

2. For satellite zones designated pursuant to the provisions of subdivisions (1) and (3) of subsection 1 of this section, the satellite zones, in conjunction with the existing state-designated enterprise zone shall meet the following criteria:

(1) The area is one of pervasive poverty, unemployment, and general distress, or one in which a large number of jobs have been lost, a large number of employers have closed, or in which a large percentage of available production capacity is idle. For the purpose of this subdivision, "large number of jobs" means one percent or more of the area's population according to the most recent decennial census, and "large number of employers" means over five;

(2) At least fifty percent of the residents living in the area have incomes below eighty percent of the median income of all residents within the state of Missouri according to the last decennial census or other appropriate source as approved by the director;

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(3) The resident population of the existing state designated enterprise zone and its satellite zones must be at least four thousand but not more than seventy-two thousand at the time of designation;

(4) The level of unemployment of persons, according to the most recent data available from the division of employment security or from the United States Bureau of Census and approved by the director, within the area exceeds one and one-half times the average rate of unemployment for the state of Missouri over the previous twelve months, or the percentage of area residents employed on a full-time basis is less than sixty percent of the statewide percentage of residents employed on a full-time basis.

3. A qualified business located within a satellite zone shall be subject to the same eligibility criteria and can be eligible to receive the same benefits as a qualified facility in sections 135.200 to 135.255.

**135.276. DEFINITIONS.** — As used in sections 135.276 to 135.283, the following terms mean:

(1) "Continuation of commercial operations", shall be deemed to occur during the first taxable year following the taxable year during which the business entered into an agreement with the department pursuant to section 135.283 in order to receive the tax exemption, tax credits and refundable credits authorized by sections 135.276 to 135.283;

(2) "Department", the department of economic development;

(3) "Director", the director of the department of economic development;

(4) "Enterprise zone", an enterprise zone created under section 135.210 that includes all or part of a home rule city with more than twenty-six thousand but less than twenty-seven thousand inhabitants located in any county with a charter form of government and with more than one million inhabitants;

(5) "Facility", any building used as a revenue-producing enterprise located within an enterprise zone, including the land on which the facility is located and all machinery, equipment, and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

(6) "NAICS", the industrial classification as such classifications are defined in the 1997 edition of the North American Industrial Classification System Manual as prepared by the Executive Office of the President, Office of Management and Budget;

(7) "Retained business facility", a facility in an enterprise zone operated by the taxpayer which satisfies the following requirements as determined by the department and included in an agreement with the department:

(a) The taxpayer agrees to a capital investment project at the facility of at least five hundred million dollars to take place over a period of two consecutive taxable years ending no later than the fifth taxable year after continuation of commercial operations;

(b) The taxpayer has maintained at least two thousand employees per year at the facility for each of the five taxable years preceding the year of continuation of commercial operations;

(c) The taxpayer agrees to maintain at least the level of employment that it had at the facility in the taxable year immediately preceding the year of continuation of commercial operations for ten consecutive taxable years beginning with the year of the continuation of commercial operations. Temporary layoffs necessary to implement the capital investment project will not be considered a violation of this requirement;

(d) The taxpayer agrees that the amount of the average wage paid by the taxpayer at the facility will exceed the average wage paid within the county in which the facility is located for ten consecutive taxable years beginning with the year of the continuation of commercial operations;

(e) Significant local incentives with respect to the project or retained facility have been committed, which incentives may consist of:

a. Cash or in-kind incentives derived from any nonstate source, including incentives provided by the affected political subdivisions, private industry and/or local chambers of commerce or similar such organizations; or

b. Relief from local taxes;

(f) Receipt of the tax exemption, tax credits, and refunds are major factors in the taxpayer's decision to retain its operations at the facility in Missouri and go forward with the capital investment project and not receiving the exemption, credits, and refunds will result in the taxpayer moving its operations out of Missouri; and

(g) There is at least one other state that the taxpayer verifies is being considered as the site to which the facility's operations will be relocated;

(8) "Retained business facility employee", a person employed by the taxpayer in the operation of a retained business facility during the taxable year for which the credit allowed by section 135.279 is claimed, except that truck drivers and rail and barge vehicle operators shall not constitute retained business facility employees. A person shall be deemed to be so employed if such person performs duties in connection with the operation of the retained business facility on a regular, full-time basis. The number of retained business facility employees during any taxable year shall be determined by dividing by twelve the sum of the number of individuals employed on the last business day of each month of such taxable year. If the retained business facility is in operation for less than the entire taxable year, the number of retained business facility employees shall be determined by dividing the sum of the number of individuals employed on the last business day of each full calendar month during the portion of such taxable year during which the retained business facility was in operation by the number of full calendar months during such period;

(9) "Retained business facility income", the Missouri taxable income, as defined in chapter 143, RSMo, derived by the taxpayer from the operation of the retained business facility. If a taxpayer has income derived from the operation of a retained business facility as well as from other activities conducted within this state, the Missouri taxable income derived by the taxpayer from the operation of the retained business facility shall be determined by multiplying the taxpayer's Missouri taxable income, computed in accordance with chapter 143, RSMo, by a fraction, the numerator of which is the property factor, as defined in paragraph (a) of this subdivision, plus the payroll factor, as defined in paragraph (b) of this subdivision, and the denominator of which is two:

(a) The "property factor" is a fraction, the numerator of which is the retained business facility investment certified for the tax period, and the denominator of which is the average value of all the taxpayer's real and depreciable tangible personal property owned or rented and used in this state during the tax period. The average value of all such property shall be determined as provided in chapter 32, RSMo;

(b) The "payroll factor" is a fraction, the numerator of which is the total amount paid during the tax period by the taxpayer for compensation to persons qualifying as retained business facility employees at the retained business facility, and the denominator of which is the total amount paid in this state during the tax period by the taxpayer for compensation. The compensation paid in this state shall be determined as provided in chapter 32, RSMo.

(10) "Retained business facility investment", the value of real and depreciable tangible personal property, acquired by the taxpayer as part of the retained business facility after the date of continuation of commercial operations, which is used by the taxpayer in the operation of the retained business facility, during the taxable year for which the credit allowed by section 135.279 is claimed, except that trucks, truck-trailers, truck semitrailers, rail vehicles, barge vehicles, aircraft and other rolling stock for hire,

track, switches, barges, bridges, tunnels, rail yards, and spurs shall not constitute retained business facility investments. The total value of such property during such taxable year shall be:

- (a) Its original cost if owned by the taxpayer; or
- (b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The retained business facility investment shall be determined by dividing by twelve the sum of the total value of such property on the last business day of each calendar month of the taxable year. If the retained business facility is in operation for less than an entire taxable year, the retained business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such taxable year during which the retained business facility was in operation by the number of full calendar months during such period;

(11) "Revenue-producing enterprise", manufacturing activities classified as NAICS 336211.

**135.277. TAXABLE INCOME OF RETAINED BUSINESS FACILITY EXEMPT FROM INCOME TAXATION, AMOUNT.** — The provisions of chapter 143, RSMo, notwithstanding, one-half of the Missouri taxable income attributed to an approved retained business facility that is earned by a taxpayer operating the approved retained business facility may be exempt from taxation under chapter 143, RSMo. That portion of income attributed to the retained business facility shall be determined in a manner prescribed in paragraph (b) of subdivision (9) of section 135.276, except that compensation paid to truck drivers, rail, or barge vehicle operators shall be excluded from the fraction.

**135.279. TAX CREDIT, AMOUNT (HAZELWOOD FORD PLANT) — CALCULATION AND LIMITATIONS ON CREDIT.** — 1. Any taxpayer that operates an approved retained business facility in an enterprise zone may be allowed a credit, each year for ten years, in an amount determined pursuant to subsection 2 or 3 of this section, whichever is applicable, against the tax imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, as follows:

(1) The credit allowed for each retained business facility employee shall be four hundred dollars, except that for each retained business facility employee that exceeds the level of employment set forth in paragraph (b) of subdivision (7) of section 135.276, the credit shall be five hundred dollars. Transfers from another facility operated by the taxpayer in the state will not count as retained business facility employees;

(2) An additional credit of four hundred dollars shall be granted for each twelve-month period that a retained business facility employee is a resident of an enterprise zone;

(3) An additional credit of four hundred dollars shall be granted for each twelve-month period that the person employed as a retained business facility employee is a person who, at the time of such employment by the new business facility, met the criteria as set forth in section 135.240;

(4) To the extent that expenses incurred by a retained business facility in an enterprise zone for the training of persons employed in the operation of the retained business facility is not covered by an existing federal, state, or local program, such retained business facility shall be eligible for a full tax credit equal to eighty percent of that portion of such training expenses which are in excess of four hundred dollars for each trainee who is a resident of an enterprise zone or who was at the time of such employment at the retained business facility unemployable or difficult to employ as defined in section 135.240, provided such credit shall not exceed four hundred dollars for each employee trained;

(5) The credit allowed for retained business facility investment shall be equal to the sum of ten percent of the first ten thousand dollars of such qualifying investment, plus five percent of the next ninety thousand dollars of such qualifying investment, plus two percent of all remaining qualifying investments within an enterprise zone. The taxpayer's retained business facility investment shall be reduced by the amount of investment made by the taxpayer or related taxpayer which was subsequently transferred to the retained business facility from another Missouri facility and for which credits authorized in this section are not being earned.

2. The credits allowed by subsection 1 of this section shall offset the greater of:

(1) Some portion of the income tax otherwise imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, with respect to such taxpayer's retained business facility income for the taxable year for which such credit is allowed; or

(2) If the taxpayer operates no other facility in Missouri, the credits allowed in subsection 1 of this section shall offset up to fifty percent or, in the case of an economic development project located within a distressed community as defined in section 135.530, seventy-five percent of the business income tax otherwise imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, if the business operates no other facilities in Missouri.

(3) If the taxpayer operates more than one facility in Missouri, the credits allowed in subsection 1 of this section shall offset up to the greater of the portion prescribed in subdivision (1) of this subsection or twenty-five percent or, in the case of an economic development project located within a distressed community as defined in section 135.530, thirty-five percent of the business' tax, except that no taxpayer operating more than one facility in Missouri shall be allowed to offset more than twenty-five percent or, in the case of an economic development project located within a distressed community as defined in section 135.530, thirty-five percent of the taxpayer's business income tax in any tax period under the method prescribed in this subdivision.

3. In the case where a person employed by the retained business facility is a resident of the enterprise zone for less than a twelve-month period, or in the case where a person employed as a retained business facility employee is a person who, at the time of such employment by the retained business facility, met the criteria as set forth in section 135.240, is employed for less than a twelve-month period, the credits allowed by subdivisions (2) and (3) of subsection 1 of this section shall be determined by multiplying the dollar amount of the credit by a fraction, the numerator of which is the number of calendar days during the taxpayer's tax year for which such credits are claimed, in which the person met the requirements prescribed in subdivision (2) or (3) of this subsection, and the denominator of which is three hundred and sixty-five.

4. Notwithstanding any provision of law to the contrary, any taxpayer who claims the exemption and credits allowed in sections 135.276 to 135.283 shall not be eligible to receive the exemption allowed in section 135.220, the credits allowed in sections 135.225 and 135.235, the refund authorized by section 135.245 or the tax credits allowed in section 135.110. The taxpayer must elect among the options. To perfect the election, the taxpayer shall attach written notification of such election to the taxpayer's initial application for claiming tax credits. The election shall be irreversible once perfected.

5. A taxpayer shall not receive the income exemption described in section 135.276 and the tax credits described in subsection 1 of this section for any year in which the terms and conditions of sections 135.276 to 135.283 are not met. Such incentives shall not exceed the fifteen-year limitation pursuant to subsection 1 of section 135.230 or the seven-year limitation pursuant to subsection 5 of section 135.230.

6. The initial application for claiming tax credits must be made in the taxpayer's tax period immediately following the tax period in which commencement of commercial operations began at the new business facility.

7. Credits may not be carried forward but shall be claimed for the taxable year during which continuation of commercial operations occurs at such retained business facility, and for each of the nine succeeding taxable years.

**135.281. APPLICATION FOR INCOME TAX REFUND (HAZELWOOD FORD PLANT) — APPROVAL PROCEDURES. —** 1. Any taxpayer operating an approved retained business facility that is located within a state enterprise zone established pursuant to sections 135.200 to 135.256 may make an application to the department of economic development for an income tax refund.

2. Such refunds shall be approved only if the amount of tax credits certified for the taxpayer in the taxable year exceeded the company's total Missouri tax on taxable income in that year by an amount equal to at least one million dollars. In such cases, a portion of tax credits earned shall constitute an overpayment of taxes and may be refunded to the taxpayer in the manner authorized by this section.

3. The department shall evaluate and may approve such applications based upon the importance of the approved retained business facility to the economy of Missouri, the company's investment of at least five hundred million dollars in facilities or equipment, and the number of jobs to be created or retained. Such applications may be approved annually for no longer than five successive years. The maximum amount of refund that may be awarded to the manufacturer or assembler shall not exceed two million dollars per year. Notwithstanding other provisions of law to the contrary, if the taxpayer's tax credits issued under sections 135.276 to 135.283 for a taxable year exceed the taxpayer's taxable income by more than two million dollars, the credits may be carried forward for five years or until used, whichever is earlier, and may be included in refund amounts otherwise authorized by this section.

**135.283. PROGRAM APPLICATION — APPROVAL BY DEPARTMENT — EXECUTED AGREEMENT REQUIRED, CONTENTS. —** 1. A taxpayer shall apply to the department for approval to participate in the program authorized by sections 135.276 to 135.283. The application shall be in a form prescribed by and contain all information requested by the department to determine eligibility for the program and for the department to make its decision whether to approve the taxpayer for participation in the program.

2. The department may issue an approval contingent upon the successful execution of an agreement between the department and the taxpayer seeking approval of a facility as a retained business facility which shall include, but not be limited to, the following:

- (1) A detailed description of the project that is the subject of the agreement;
- (2) A requirement that the taxpayer shall annually report to the department the total amount of salaries and wages paid to eligible employees in retained business facility jobs, and any other information the department requires to confirm compliance with the requirements of sections 135.276 to 135.283;
- (3) A requirement that the taxpayer shall provide written notification to the director not more than thirty days after the taxpayer makes or receives a proposal that would transfer the taxpayer's state tax liability obligations to a successor taxpayer;
- (4) A requirement that the taxpayer shall maintain operations at the facility location for at least ten years at a certain employment level;
- (5) The requirements otherwise required by sections 135.276 to 135.283; and
- (6) A provision for repayment of incentives upon breach of the agreement.

**135.400. DEFINITIONS.** — As used in sections 135.400 to 135.430, the following terms mean:

(1) "Certificate", a tax credit certificate issued by the department of economic development in accordance with sections 135.400 to 135.430;

(2) "Community bank", either a bank community development corporation or development bank, which are financial organizations which receive investments from commercial financial institutions regulated by the federal reserve, the office of the comptroller of the currency, the office of thrift supervision, or the Missouri division of finance. Community banks, in addition to their other privileges, shall be allowed to make loans to businesses or equity investments in businesses or in real estate provided that such transactions have associated public benefits;

(3) "Community development corporation", a not-for-profit corporation [and a recipient of Community Development Block Grant (CDBG) funds pursuant to the Housing Community Development Act of 1974. Such corporations design specific, comprehensive programs to stimulate economic development, housing or other public benefits leading to the development of economically sustainable neighborhoods or communities] **whose board of directors is composed of businesses, civic, and community leaders, and whose primary purpose is to encourage and promote the industrial, economic, entrepreneurial, commercial, and civic development or redevelopment of a community or area, including the provision of housing and community development projects that benefit low-income individuals and communities;**

(4) "Department", the Missouri department of economic development;

(5) "Director", the director of the department of economic development, or a person acting under the supervision of the director;

(6) "Investment", a transaction in which a Missouri small business or a community bank receives a monetary benefit from an investor pursuant to the provisions of sections 135.403 to 135.414;

(7) "Investor", an individual, partnership, financial institution, trust or corporation meeting the eligibility requirements of sections 135.403 to 135.414. In the case of partnerships and nontaxable trusts, the individual partners or beneficiaries shall be treated as the investors;

(8) "Missouri small business", an independently owned and operated business as defined in Title 15 U.S.C. Section 632(a) and as described by Title 13 CFR Part 121, which is headquartered in Missouri and which employs at least eighty percent of its employees in Missouri, except that no such small business shall employ more than one hundred employees. Such businesses must be involved in interstate or intrastate commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, real estate, insurance or professional services. For the purpose of qualifying for the tax credit pursuant to sections 135.400 to 135.430, "Missouri small business" shall include cooperative marketing associations organized pursuant to chapter 274, RSMo, which are engaged in the business of producing and marketing fuels derived from agriculture commodities, without regard for whether a cooperative marketing association has more than one hundred employees. Cooperative marketing associations organized pursuant to chapter 274, RSMo, shall not be required to comply with the requirements of section 135.414;

(9) "Primary employment", work which pays at least the minimum wage and which is not seasonal or part-time;

(10) "Principal owners", one or more persons who own an aggregate of fifty percent or more of the Missouri small business and who are involved in the operation of the business as a full-time professional activity;

(11) "Project", any commercial or industrial business or other economic development activity undertaken in a target area, designed to reduce conditions of blight, unemployment or widespread reliance on public assistance which creates permanent primary employment opportunities;

(12) "State tax liability", any liability incurred by a taxpayer pursuant to the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, section 375.916, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions;

(13) "Target area", a group of blocks or a self-defined neighborhood where the rate of poverty in the area is greater than twice the national poverty rate and as defined by the department of social services in conjunction with the department of economic development. Areas of the state satisfying the criteria of this subdivision may be designated as a "target area" following appropriate findings made and certified by the departments of economic development and social services. In making such findings, the departments of economic development and social services may use any commonly recognized records and statistical indices published or made available by any agency or instrumentality of the federal or state government. No area of the state shall be a target area until so certified by the department of social services and the revitalization plan submitted pursuant to section 208.335, RSMo, has received approval.

**135.431. COMMUNITY DEVELOPMENT CORPORATION FORMATION — PURPOSE — DUTIES AND POWERS — FUNDING. —** 1. The department of economic development shall identify active community development corporations operating within the state and assist them in the formation of a Missouri community development corporation association. [With the assistance of the department.] **The department shall assist the community development corporation association in an amount up to ten percent of its total appropriation for community development corporations to cover the cost associated with the activities of the association.** The association shall serve as a clearinghouse for information for community development corporations. The association shall help staff members of community development corporations develop administrative skills in such areas as entrepreneurial development, grant writing, real estate analysis, financial deals structuring, negotiations, human resource development, strategic planning and community needs assessment. The association shall sponsor conferences which allow community development corporations to learn about community development activities statewide and at the federal level.

2. The Missouri community development corporation association shall be funded by dues assessed against participating community development corporations. The association shall adopt, alter or repeal its own bylaws, rules and regulations governing the manner in which its business may be transacted; elect officers; make expenditures which are incidental and necessary to carry out its purposes and powers; and do all things necessary to ensure full participation by Missouri community development corporations in any federal program relating to community development needs.

**135.500. TITLE OF LAW — DEFINITIONS. —** 1. Sections 135.500 to 135.529 shall be known and may be cited as the "Missouri Certified Capital Company Law".

2. As used in sections 135.500 to 135.529, the following terms mean:

(1) "Affiliate of a certified company":

(a) Any person, directly or indirectly owning, controlling or holding power to vote ten percent or more of the outstanding voting securities or other ownership interests of the Missouri certified capital company;

(b) Any person ten percent or more of whose outstanding voting securities or other ownership interest are directly or indirectly owned, controlled or held with power to vote by the Missouri certified capital company;

(c) Any person directly or indirectly controlling, controlled by, or under common control with the Missouri certified capital company;

(d) A partnership in which the Missouri certified capital company is a general partner;

(e) Any person who is an officer, director or agent of the Missouri certified capital company or an immediate family member of such officer, director or agent;

- (2) "Applicable percentage", one hundred percent;
  - (3) "Capital in a qualified Missouri business", any debt, equity or hybrid security, of any nature and description whatsoever, including a debt instrument or security which has the characteristics of debt but which provides for conversion into equity or equity participation instruments such as options or warrants which are acquired by a Missouri certified capital company **or a qualified investing entity** as a result of a transfer of cash to a business[. Capital in a qualified Missouri business shall not include secured debt instruments];
  - (4) "Certified capital", an investment of cash by an investor in a Missouri certified capital company;
  - (5) "Certified capital company", any partnership, corporation, trust or limited liability company, whether organized on a profit or not-for-profit basis, that is located, headquartered and registered to conduct business in Missouri that has as its primary business activity, the investment of cash in qualified Missouri businesses, and which is certified by the department as meeting the criteria of sections 135.500 to 135.529;
  - (6) "Department", the Missouri department of economic development;
  - (7) "Director", the director of the department of economic development or a person acting under the supervision of the director;
  - (8) "Investor", any insurance company that contributes cash;
  - (9) "Liquidating distribution", payments to investors or to the certified capital company from earnings;
  - (10) "Person", any natural person or entity, including a corporation, general or limited partnership, trust or limited liability company;
  - (11) "Qualified distribution", any distribution or payment to equity holders of a certified capital company in connection with the following:
    - (a) Reasonable costs and expenses of forming, syndicating, managing and operating the certified capital company;
    - (b) Management fees for managing and operating the certified capital company; and
    - (c) Any increase in federal or state taxes, penalties and interest, including those related to state and federal income taxes, of equity owners of a certified capital company which related to the ownership, management or operation of a certified capital company;
  - (12) **"Qualified investing entity", any partnership, corporation, trust, or limited liability company, whether organized on a for profit or not-for-profit basis, that:**
    - (a) **Is registered to do business in this state;**
    - (b) **Is a wholly owned subsidiary of a certified capital company or otherwise affiliated with and under common control with a certified capital company; and**
    - (c) **Has been designated as a qualified investing entity by such certified capital company. Such designation shall be effective upon delivery by the certified capital company of written notice of the designation to the department. A qualified investing entity may raise debt or equity capital for investment, but such capital shall not be considered certified capital. Any qualified investment made by a qualified investing entity after the effective date of this act shall be deemed to have been made by a certified capital company that designated the qualified investing entity as such; provided that no qualified investment may be deemed to have been made by more than one certified capital company.**
- [(12)] (13) "Qualified investment", the investment of cash by a Missouri certified capital company **or a qualified investing entity** in such a manner as to acquire capital in a qualified Missouri business;
- [(13)] (14) "Qualified Missouri business", an independently owned and operated business, which is headquartered and located in Missouri and which is in need of venture capital and cannot obtain conventional financing. Such business shall have no more than two hundred employees, eighty percent of which are employed in Missouri. Such business shall be involved in commerce for the purpose of manufacturing, processing or assembling products, conducting

research and development, or providing services in interstate commerce, but excluding retail, real estate, real estate development, insurance and professional services provided by accountants, lawyers or physicians. [If such business has been in existence for three years or less, its gross sales during its most recent complete fiscal years shall not have exceeded four million dollars. If such business has been in existence for longer than three years, its gross sales during its most recent complete fiscal year shall not have exceeded three million dollars.] **At the time a certified capital company or qualified investing entity makes an initial investment in a business, such business shall be a small business concern that meets the requirements of the United States Small Business Administration's qualification size standards for its venture capital program, as defined in Section 13 CFR 121.301 (c) of the Small Business Investment Act of 1958, as amended.** Any business which is classified as a qualified Missouri business at the time of the first investment in such business by a Missouri certified capital company or qualified investing entity shall, for a period of seven years from the date of such first investment, remain classified as a qualified Missouri business and may receive follow-on investments from any Missouri certified capital company or qualified investing entity and such follow-on investments shall be qualified investments even though such business may not meet the other qualifications of this subsection at the time of such follow-on investments;

[(14)] (15) "State premium tax liability", any liability incurred by an insurance company pursuant to the provisions of section 148.320, 148.340, 148.370 or 148.376, RSMo, and any other related provisions, which may impose a tax upon the premium income of insurance companies after January 1, 1997.

**135.503. AMOUNT OF CREDIT, HOW CALCULATED, REDUCTION — INSURANCE COMPANIES NOT REQUIRED TO PAY RETALIATORY TAX, WHEN — CARRY FORWARD — LIMITATION ON AMOUNTS OF CERTIFIED CAPITAL, ALLOCATION OF CERTIFIED CAPITAL — NOTIFICATION OF LIMITATION.** — 1. Any investor that makes an investment of certified capital shall, in the year of investment, earn a vested credit against state premium tax liability equal to the applicable percentage of the investor's investment of certified capital. An investor shall be entitled to take up to ten percent of the vested credit in any taxable year of the investor. Any time after three years after August 28, 1996, the director, with the approval of the commissioner of administration, may reduce the applicable percentage on a prospective basis. Any such reduction in the applicable percentage by the director shall not have any effect on credits against state premium tax liability which have been claimed or will be claimed by any investor with respect to credits which have been earned and vested pursuant to an investment of certified capital prior to the effective date of any such change.

2. An insurance company claiming a state premium tax credit earned through an investment in a certified capital company shall not be required to pay any additional retaliatory tax levied pursuant to section 375.916, RSMo, as a result of claiming such credit.

3. The credit against state premium tax liability which is described in subsection 1 of this section may not exceed the state premium tax liability of the investor for any taxable year. All such credits against state premium tax liability may be carried forward indefinitely until the credits are utilized. The maximum amount of certified capital in one or more certified capital companies for which earned and vested tax credits will be allowed in any year to any one investor or its affiliates shall be limited to ten million dollars.

4. Except as provided in subsection 5 of this section, the aggregate amount of certified capital for which earned and vested credits against state premium tax liability are allowed for all persons pursuant to sections 135.500 to 135.529 shall not exceed the following amounts: for calendar year 1996, \$0.00; for calendar year 1997, an amount which would entitle all Missouri certified capital company investors to take aggregate credits of five million dollars; and for any year thereafter, an additional amount to be determined by the director but not to exceed aggregate credits of ten million dollars for any year with the approval of the commissioner of administration and reported to the general assembly as provided in subsection 2 of section

33.282, RSMo, provided that the amount so determined shall not impair the ability of an investor with earned and vested credits which have been allowed in previous years to take them, pursuant to subsection 1 of this section. During any calendar year in which the limitation described in this subsection will limit the amount of certified capital for which earned and vested credits against state premium tax liability are allowed, certified capital for which credits are allowed will be allocated in order of priority based upon the date of filing of information described in subdivision (1) of subsection 5 of section 135.516. Certified capital limited in any calendar year by the application of the provisions of this subsection shall be allowed and allocated in the immediately succeeding calendar year in the order of priority set forth in this subsection. The department shall make separate allocations of certified capital for which credits are allowed under the limitations described in this subsection and under the limitations described in subsection 5 of this section.

5. In addition to the maximum amount pursuant to subsection 4 of this section, the aggregate amount of certified capital for which earned and vested credits against state premium tax liability are allowed for persons pursuant to sections 135.500 to 135.529 shall be the following: for calendar year 1999 and for any year thereafter, an amount to be determined by the director which would entitle all Missouri certified capital company investors to take aggregate credits not to exceed four million dollars for any year with the approval of the commissioner of administration and reported to the general assembly as provided in subsection 2 of section 33.282, RSMo, provided that the amount so determined shall not impair the ability of an investor with earned and vested credits which have been allowed in previous years or pursuant to the provisions of subsection 4 of this section to take them, pursuant to subsection 1 of this section. For purposes of any requirement regarding the schedule of qualified investments for certified capital for which earned and vested credits against state premium tax liability are allowed pursuant to this subsection only, the definition of a "qualified Missouri business" as set forth in subdivision [(13)] (14) of subsection 2 of section 135.500 means a Missouri business that is located in a distressed community as defined in section 135.530, and meets all of the requirements of subdivision [(13)] (14) of subsection 2 of section 135.500[, except that its gross sales during its most recent complete fiscal year shall not have exceeded five million dollars]. During any calendar year in which the limitation described in this subsection limits the amount of additional certified capital for which earned and vested credits against state premium tax liability are allowed, additional certified capital for which credits are allowed shall be allocated in order of priority based upon the date of filing of information described in subdivision (1) of subsection 5 of section 135.516 with respect to such additional certified capital. The department shall make separate allocations of certified capital for which credits are allowed under the limitations described in this subsection and under the limitations described in subsection 4 of this section. No limitation applicable to any certified capital company with respect to certified capital for which credits are allowed pursuant to subsection 4 of this section shall limit the amount of certified capital for which credits are allowed pursuant to this subsection. No limitation applicable to any certified capital company with respect to certified capital for which credits are allowed pursuant to this subsection shall limit the amount of certified capital for which credits are allowed pursuant to subsection 4 of this section.

6. The department shall advise any Missouri certified capital company, in writing, within fifteen days after receiving the filing described in subdivision (1) of subsection 5 of section 135.516 whether the limitations of subsection 3 of this section then in effect will be applicable with respect to the investments and credits described in such filing with the department.

**135.516. SCHEDULE OF QUALIFIED INVESTMENTS — QUALIFIED DISTRIBUTIONS, WHEN, REQUIREMENTS — QUALIFIED INVESTMENT COST LIMIT — COMPANY DOCUMENTS AS CLOSED RECORDS, WHEN — COMPANY REPORT TO DEPARTMENT OF ECONOMIC DEVELOPMENT. — 1.** To continue to be certified, a Missouri certified capital company shall make qualified investments according to the following schedule:

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(1) Within two years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company at least twenty-five percent of its certified capital shall be, or have been, placed in qualified investments;

(2) Within three years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company at least forty percent of its certified capital shall be, or have been, placed in qualified investments;

(3) Within four years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company, at least fifty percent of its total certified capital shall be, or have been, placed in qualified investments. A Missouri certified capital company may not make an investment in an affiliate of the certified capital company. For the purposes of this subsection, if a legal entity is not an affiliate before a certified capital company initially invests in the entity, it will not be an affiliate if a certified capital company provides additional investment in such entity subsequent to its initial investment;

(4) A certified capital company, at least fifteen working days prior to making what it determines to be an initial qualified investment in a specific qualified Missouri business, shall certify to the department that the company in which it **or a qualified investing entity** proposes to invest [meets the definition of] **is a qualified Missouri business** [pursuant to subdivision (14) of subsection 2 of section 135.500]. The certified capital company shall state the amount of capital it **or a qualified investing entity** intends to invest and the name of the business in which it **or a qualified investing entity** intends to invest. The certified capital company shall also provide to the department an explanation of its determination that the business meets the definition of a qualified Missouri business. If the department determines that the business does not meet the definition of a qualified Missouri business, it shall, within the fifteen-working-day period prior to the making of the proposed investment, notify the certified capital company of its determination and an explanation thereof. If the department fails to notify the certified capital company with respect to the proposed investment within the fifteen-working-day period prior to the making of the proposed investment, the company in which the certified capital company **or a qualified investing entity** proposes to invest shall be deemed to be a qualified Missouri business. If a certified capital company fails to notify the department prior to making an initial investment in a business, the department may subsequently determine that the business in which the certified capital company **or a qualified investing entity** invested was not a qualified Missouri business even though the business, at the time of the investment, met the requirements of subdivision [(14)] **(15)** of subsection 2 of section 135.500;

(5) All certified capital which is not required to be placed in qualified investments or which has been placed in qualified investments and can be received by the company, may be held or invested in such manner as the Missouri certified capital company, in its discretion, deems appropriate. The proceeds of all certified capital which is received by a certified capital company after it was originally placed in qualified investments may be placed again in qualified investments and shall count toward any requirement in sections 135.500 to 135.529 with respect to placing certified capital in qualified investments.

2. A certified capital company may make qualified distributions at any time. In order to make distributions, other than qualified distributions, a certified capital company must have [placed] **made cumulative qualified investments, including those made through a qualified investing entity, in** an amount cumulatively equal to **at least** one hundred percent of its certified capital [in qualified investments]. Cumulative distributions to equity holders, other than qualified distributions, in excess of the certified capital company's original certified capital and any additional capital contributions to the certified capital company shall be subject to audit by a nationally recognized certified public accounting firm acceptable to the department, at the expense of the certified capital company. The audit shall determine whether aggregate cumulative distributions to all investors and equity holders, other than qualified distributions, when combined with all tax credits utilized by investors pursuant to sections 135.500 to 135.529, have resulted in an annual internal rate of return of fifteen percent computed on the sum of total

original certified capital of the certified capital company and any additional capital contributions to the certified capital company. Twenty-five percent of distributions made, other than qualified distributions, in excess of the amount required to produce a fifteen percent annual internal rate of return, as determined by the audit, shall be payable by the certified capital company to the Missouri development finance board. Distributions or payments to debt holders of a certified capital company, however, may be made without restriction with respect to debt owed to them by a certified capital company. A debt holder that is also an investor or equity holder of a certified capital company may receive distributions or payments with respect to such debt without restriction.

3. No qualified investment may be made at a cost to a Missouri certified capital company greater than fifteen percent of the total certified capital under management of the Missouri certified capital company at the time of investment.

4. Documents and other materials submitted by Missouri certified capital companies or by businesses for purposes of the continuance of certification may be deemed "closed records" pursuant to the provisions of section 620.014, RSMo.

5. Each Missouri certified capital company shall report the following to the department:

(1) As soon as practicable after the receipt of certified capital, the name of each investor from which the certified capital was received, the amount of each investor's investment of certified capital and tax credits computed without regard to any limitations under subsection 3 of section 135.503, and the date on which the certified capital was received;

(2) On a quarterly basis, the amount of the Missouri certified capital company's certified capital at the end of the quarter, whether or not the Missouri certified capital company has invested, **together with any investments made by a qualified investing entity that are deemed to have been made by the certified capital company**, more than fifteen percent of the total certified capital under management in any one company, and all qualified investments that the Missouri certified capital company has made **or has been deemed to have been made through a qualified investing entity**;

(3) Each Missouri certified capital company shall provide annual audited financial statements to the department which include an opinion of an independent certified public accountant to the department within ninety days of the close of the fiscal year. **At the same time, the certified capital company shall also provide audited financial statements for any qualified investing entity that has made qualified investments on its behalf, unless the financial results of such qualified investing entity are included in the consolidated financial statements of the certified capital company.** The audit shall address the methods of operation and conduct of the business of the Missouri certified capital company to determine if the Missouri certified capital company is complying with the statutes and program rules and that the funds received by the Missouri certified capital company have been invested as required within the time limits provided by sections 135.500 to 135.529.

**135.517. QUALIFIED INVESTMENTS, REQUIREMENTS. — In order for investments of a qualifying investing entity to be counted as qualified investments pursuant to sections 135.500 to 135.529, each such investment of a qualifying investing entity must have received prior approval from the department.**

**135.520. ANNUAL REVIEW BY DIVISION OF FINANCE, REPORT OF FINDINGS — DECERTIFICATION, GROUNDS, NOTICE OF NONCOMPLIANCE — NOTICE OF DECERTIFICATION, DECERTIFICATION. — 1.** The division of finance of the department of economic development shall conduct an annual review of each Missouri certified capital company **and any qualified investing entities designated by it** to determine if the Missouri certified capital company is abiding by the requirements of certifications, to advise the Missouri certified capital company as to the certification status of its qualified investments and to ensure that no investment has been made in violation of sections 135.500 to 135.529. The cost of the

annual review shall be paid by each Missouri certified capital company according to a reasonable fee schedule adopted by the department. The division of finance shall report its findings to the department as soon as practicable following completion of the audit.

2. Any material violation of sections 135.500 to 135.529 shall be grounds for decertification under this section. If the department determines that a company is not in compliance with any requirements for continuing in certification, it shall, by written notice, inform the officers of the company and the board of directors, managers, trustees or general partners that they may be decertified in one hundred twenty days from the date of mailing of the notice, unless they correct the deficiencies and are again in compliance with the requirements for certification.

3. At the end of the one hundred twenty-day grace period, if the Missouri certified capital company is still not in compliance, the department may send a notice of decertification to the company and to the directors of the department of revenue and department of insurance. Decertification of a Missouri certified capital company prior to the certified capital company meeting all requirements of subdivisions (1) to (3) of subsection 1 of section 135.516 shall cause the recapture of all premium tax credits previously claimed by an investor and the forfeiture of all future credits to be claimed by an investor with respect to its investment in the certified capital company. Decertification of a Missouri certified capital company after it has met all requirements of subdivisions (1) to (3) of subsection 1 of section 135.516 shall cause the forfeiture of premium tax credits for the taxable year of the investor in which the decertification arose and for future taxable years with no recapture of tax credits obtained by an investor with respect to the investor's tax years which ended before the decertification occurred. Once a certified capital company has [invested] **made cumulative qualified investments, including those made through a qualified investing entity and deemed to have been made by the certified capital company, in an amount equal to at least** one hundred percent of its certified capital [in qualified Missouri businesses], all future premium tax credits to be claimed by investors with respect to said certified capital company pursuant to sections 135.500 to 135.529 shall be nonforfeitable. Once a certified capital company has [invested] **made cumulative qualified investments, including those made through a qualified investing entity and deemed to have been made by the certified capital company, in an amount equal to at least** one hundred percent of its certified capital [in qualified Missouri businesses] and has met all other requirements under sections 135.500 to 135.529, it shall no longer be subject to regulation by the department except with respect to the payment of distributions to the Missouri development finance board.

**162.1100. TRANSITIONAL SCHOOL DISTRICT, GOVERNING BOARD, MEMBERS, POWERS AND DUTIES — TAXATION — SCHOOL IMPROVEMENT PLAN, REVIEW BY STATE BOARD OF EDUCATION — ACCOUNTABILITY OFFICER, DUTIES — DISSOLUTION OF DISTRICT, WHEN. —**

1. There is hereby established within each city not within a county a school district to be known as the "Transitional School District of (name of city)", which shall be a body corporate and politic and a subdivision of the state. The transitional school district shall be coterminous with the boundaries of the city in which the district is located. Except as otherwise provided in this section and section 162.621, the transitional school district shall be subject to all laws pertaining to "seven-director districts", as defined in section 160.011, RSMo. The transitional school district shall have the responsibility for educational programs and policies determined by a final judgment of a federal school desegregation case to be needed in providing for a transition of the educational system of the city from control and jurisdiction of a federal court school desegregation order, decree or agreement and such other programs and policies as designated by the governing body of the school district.

2. (1) The governing board of the transitional school district shall consist of three residents of the district: one shall be appointed by the governing body of the district, one shall be appointed by the mayor of the city not within a county and one shall be appointed by the president of the board of aldermen of the city not within a county. The members of the

governing board shall serve without compensation for a term of three years, or until their successors have been appointed, or until the transitional district is dissolved or terminated. Any tax approved for the transitional district shall be assigned to the governing body of the school district in a city not within a county after dissolution or termination of the transitional district.

(2) In the event that the state board of education shall declare the school district of a city not within a county to be unaccredited, the member of the governing board of the transitional district appointed by the governing body of the district as provided in subdivision (1) of this subsection shall, within ninety days, be replaced by a chief executive officer nominated by the state board of education and appointed by the governor with the advice and consent of the senate. The chief executive officer need not be a resident of the district but shall be a person of recognized administrative ability, shall be paid in whole or in part with funds from the district, and shall have all other powers and duties of any other general superintendent of schools, including appointment of staff. The chief executive officer shall serve for a term of three years or until his successor is appointed or until the transitional district is dissolved or terminated. His salary shall be set by the state board of education.

3. In the event that the school district loses its accreditation, upon the appointment of a chief executive officer, any powers granted to any existing school board in a city not within a county on or before August 28, 1998, shall be vested with the special administrative board of the transitional school district containing such school district so long as the transitional school district exists, except as otherwise provided in section 162.621.

4. The special administrative board's powers and duties shall include:

- (1) Creating an academic accountability plan, taking corrective action in underperforming schools, and seeking relief from state-mandated programs;
- (2) Exploration of alternative forms of governance for the district;
- (3) Authority to contract with nonprofit corporations to provide for the operation of schools;
- (4) Oversight of facility planning, construction, improvement, repair, maintenance and rehabilitation;
- (5) Authority to establish school site councils to facilitate site-based school management and to improve the responsiveness of the schools to the needs of the local geographic attendance region of the school;

(6) Authority to submit a proposal to district voters pursuant to section 162.666 regarding establishment of neighborhood schools.

5. (1) The provisions of a final judgment as to the state of Missouri and its officials in a school desegregation case which subjects a district in which a transitional district is located in this state to a federal court's jurisdiction may authorize or require the governing body of a transitional school district established under this section to establish the transitional district's operating levy for school purposes, as defined pursuant to section 163.011, RSMo, at a level not to exceed eighty-five cents per one hundred dollars assessed valuation in the district or a sales tax equivalent amount as determined by the department of elementary and secondary education which may be substituted for all or part of such property tax. [The transitional school district,]

(2) Any other statute to the contrary notwithstanding, **no tax authorized pursuant to this subsection shall [not]:**

(a) Be subject to any certificate of tax abatement issued **after August 28, 1998**, pursuant to sections 99.700 to 99.715, RSMo[. Any certificate of abatement issued after August 28, 1998, shall not be applicable to the transitional school district]; **and**

(b) **Effective January 1, 2002, be subject to any new or existing tax increment financing adopted by a city not within a county pursuant to sections 99.800 to 99.865, RSMo, except that any redevelopment plan and redevelopment project concerning a convention headquarters hotel adopted by ordinance by a city not within a county prior to August 28, 2003, shall be subject to such tax increment financing.**

(3) The transitional school district shall not be subject to the provisions of section 162.081, sections 163.021 and 163.023, RSMo, with respect to any requirements to maintain a minimum

value of operating levy or any consequences provided by law for failure to levy at least such minimum rate. No operating levy or increase in the operating levy or sales tax established pursuant to this section shall be collected for a transitional school district unless prior approval is obtained from a simple majority of the district's voters. The board of the transitional district shall place the matter before the voters prior to March 15, 1999.

6. (1) The special administrative board established in this section shall develop, implement, monitor and evaluate a comprehensive school improvement plan, and such plan shall be subject to review and approval of the state board of education. The plan shall ensure that all students meet or exceed grade-level standards established by the state board of education pursuant to section 160.514, RSMo;

(2) The special administrative board shall establish student performance standards consistent with the standards established by the state board of education pursuant to section 160.514, RSMo, for preschool through grade twelve in all skill and subject areas, subject to review and approval of the state board of education for the purpose of determining whether the standards are consistent with standards established by the state board of education pursuant to section 160.514, RSMo;

(3) All students in the district who do not achieve grade-level standards shall be required to attend summer school; except that the provisions of this subsection shall not apply to students receiving special education services pursuant to sections 162.670 to 162.999;

(4) No student shall be promoted to a higher grade level unless that student has a reading ability at or above one grade level below the student's grade level; except that the provisions of this subsection shall not apply to students receiving special education services pursuant to sections 162.670 to 162.999;

(5) The special administrative board established in this section shall develop, implement and annually update a professional development plan for teachers and other support staff, subject to review and approval of the state board of education.

7. The school improvement plan established pursuant to this section shall ensure open enrollment and program access to all students in the district, and, consistent with the Missouri and United States Constitutions, shall give first priority to residents of the city for admission to magnet schools. The school board shall take all practicable and constitutionally permissible steps to ensure that all magnet schools operate at full capacity. Students who change residence within the district shall be allowed to continue to attend the school in which they were initially enrolled for the remainder of their education at grade levels served by that school, and transportation shall be provided by the district to allow such students to continue to attend such school of initial enrollment.

8. To the extent practicable, the special administrative board shall ensure that per pupil expenditures and pupil-teacher ratios shall be the same for all schools serving students at a given grade level.

9. The special administrative board shall ensure that early childhood education is available throughout the district.

10. The special administrative board shall ensure that vocational education instruction is provided within the district.

11. The special administrative board shall establish an accountability officer whose duty shall be to ensure that academically deficient schools within the district are raised to acceptable condition within two years.

12. The transitional school district in any city not within a county shall be dissolved on July 1, 2008, unless the state board determines, prior to that date, that it is necessary for the transitional district to continue to accomplish the purposes for which it was created. The state board of education may cause the termination of the transitional school district at any time upon a determination that the transitional district has accomplished the purposes for which it was established and is no longer needed. The state board of education may cause the reestablishment of the transitional school district at any time upon a determination that it is necessary for the

transitional district to be reestablished to accomplish the purposes established in this section. The state board of education shall provide notice to the governor and general assembly of the termination or reestablishment of the transitional school district and the termination or reestablishment shall become effective thirty days following such determination. Upon dissolution of a transitional school district pursuant to this section, nothing in this section shall be construed to reduce or eliminate any power or duty of any school district or districts containing the territory of the dissolved transitional school district unless such transitional school district is reestablished by the state board of education pursuant to this section.

**178.892. DEFINITIONS.** — As used in sections 178.892 to 178.896, the following terms mean:

(1) "Agreement", the agreement, between an employer and a junior college district, concerning a project. An agreement may be for a period not to exceed ten years when the program services associated with a project are not in excess of five hundred thousand dollars. For a project where associated program costs are greater than five hundred thousand dollars, the agreement may not exceed a period of eight years. No agreement shall be entered into between an employer and a community college district which involves the training of potential employees with the purpose of replacing or supplanting employees engaged in an authorized work stoppage;

(2) "Board of trustees", the board of trustees of a junior college district;

(3) "Certificate", industrial new jobs training certificates issued pursuant to section 178.895;

(4) "Date of commencement of the project", the date of the agreement;

(5) "Employee", the person employed in a new job;

(6) "Employer", the person providing new jobs in conjunction with a project;

(7) **"Essential industry", a business that otherwise meets the definition of industry but instead of creating new jobs maintains existing jobs. To be an essential industry, the business must have maintained at least two thousand jobs each year for a period of four years preceding the year in which application for the program authorized by sections 178.892 to 178.896 is made and must be located in a home rule city with more than twenty-six thousand but less than twenty-seven thousand inhabitants located in any county with a charter form of government and with more than one million inhabitants;**

(8) **"Existing job", a job in an essential industry that pays wages or salary greater than the average of the county in which the project will be located;**

(9) "Industry", a business located within the state of Missouri which enters into an agreement with a community college district and which is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail services. "Industry" does not include a business which closes or substantially reduces its operation in one area of the state and relocates substantially the same operation in another area of the state. This does not prohibit a business from expanding its operations in another area of the state provided that existing operations of a similar nature are not closed or substantially reduced;

[(8)] **(10) "New job", a job in a new or expanding industry not including jobs of recalled workers, or replacement jobs or other jobs that formerly existed in the industry in the state. For an essential industry, an existing job shall be considered a new job for the purposes of the new job training programs;**

[(9)] **(11) "New jobs credit from withholding", the credit as provided in section 178.894;**

[(10)] **(12) "New jobs training program" or "program", the project or projects established by a community college district for the creation of jobs by providing education and training of workers for new jobs for new or expanding industry in the state;**

[(11)] **(13) "Program costs", all necessary and incidental costs of providing program services including payment of the principal of, premium, if any, and interest on certificates,**

including capitalized interest, issued to finance a project, funding and maintenance of a debt service reserve fund to secure such certificates and wages, salaries and benefits of employees participating in on-the-job training;

[(12)] (14) "Program services" includes, but is not limited to, the following:

- (a) New jobs training;
- (b) Adult basic education and job-related instruction;
- (c) Vocational and skill-assessment services and testing;
- (d) Training facilities, equipment, materials, and supplies;
- (e) On-the-job training;
- (f) Administrative expenses equal to fifteen percent of the total training costs;
- (g) Subcontracted services with state institutions of higher education, private colleges or universities, or other federal, state, or local agencies;
- (h) Contracted or professional services; and
- (i) Issuance of certificates;

[(13)] (15) "Project", a training arrangement which is the subject of an agreement entered into between the community college district and an employer to provide program services;

[(14)] (16) "Total training costs", costs of training, including supplies, wages and benefits of instructors, subcontracted services, on-the-job training, training facilities, equipment, skill assessment and all program services excluding issuance of certificates.

**348.015. DEFINITIONS.** — As used in sections 348.005 to 348.225, the following terms shall mean:

(1) "Agricultural development loan", a loan for the acquisition, construction, improvement, or rehabilitation of agricultural property;

(2) "Agricultural property", any land and easements and real and personal property, including, but not limited to, buildings, structures, improvements, equipment, and livestock, which is used or is to be used in Missouri by Missouri residents for:

- (a) The operation of a farm or ranch;
- (b) Planting, cultivating, or harvesting cereals, natural fibers, fruits, vegetables, or trees;
- (c) Grazing, feeding, or the care of livestock, poultry, or fish;
- (d) Dairy production;
- (e) Storing, transporting, or processing farm and ranch products, including, without limitation, facilities such as grain elevators, cotton gins, shipping heads, livestock pens, warehouses, wharfs, docks, creameries, or feed plants; and
- (f) Supplying and conserving water, draining or irrigating land, collecting, treating, and disposing of liquid and solid waste, or controlling pollution, as needed for the operations set out in this subdivision;

(3) "Authority", the Missouri agricultural and small business development authority organized pursuant to the provisions of sections 348.005 to 348.180;

(4) "Bonds", any bonds, notes, debentures, interim certificates, bond, grant, or revenue anticipation notes, or any other evidences of indebtedness;

(5) "Borrower", any individual, partnership, corporation, including a corporation or other entity organized pursuant to section 274.220, RSMo, firm, cooperative, association, trust, estate, political subdivision, state agency, or other legal entity or its representative executing a note or other evidence of a loan;

(6) "Eligible borrower", a borrower qualifying for an agricultural development loan, a small business development loan, or a small business pollution control facility loan under such criteria and priorities as may be established in rules of the authority or in procedural manuals issued thereunder for the purpose of directing the use of available loan funds on the basis of need for and value of each loan for the maintenance of the agricultural economy or small business and on the meeting of pollution control objectives and assuring conformity with conditions

established by insurers or guarantors of loans and the preservation of the security of bonds or notes issued to finance the loan;

(7) "Insurer" or "guarantor", the Farmers Home Administration of the Department of Agriculture of the United States, the United States Small Business Administration, or any other or successor agency or instrumentality of the United States having power, or any insurance company qualified under Missouri law, to insure or guarantee the payment of agricultural development loans, small business development loans, or small business pollution control facility loans and interest thereon, or any portion thereof;

(8) "Lender", any state or national bank, federal land bank, production credit association, bank for cooperatives, federal or state-chartered savings and loan association or building and loan association or small business investment company that is subject to credit examination by an agency of the state or federal government, or any other lending institution approved by the insurer or guarantor of an agricultural development loan, small business development loan, or small business pollution control facility loan which undertakes to make or service such a loan;

(9) "Pollution", any form of environmental pollution including, but not limited to, water pollution, air pollution, land pollution, solid waste pollution, thermal pollution, radiation contamination, or noise pollution;

(10) "Pollution control facility" or "facilities", any land, interest in land, building, structure, facility, system, fixture, improvement, appurtenance, machinery, equipment, or any combination thereof, and all real and personal property deemed necessary therewith, having to do with, or the end purpose of which is, reducing, controlling, or preventing pollution;

(11) "Small business", those enterprises which, at the time of their application to the authority, meet the criteria, as interpreted and applied by the authority, for definition as a "small business" established for the Small Business Administration and set forth in Section 121.301 of Part 121 of Title 13 of the Code of Federal Regulations;

(12) "Small business development loan", a loan for the acquisition, construction, improvement, or rehabilitation of property owned or to be acquired by a small business as defined herein;

(13) "Small business pollution control facility loan", a loan for the acquisition, construction, improvement, or rehabilitation of a pollution control facility or facilities by a small business;

**(14) "Value added agricultural products", any product or products that are the result of:**

**(a) Using an agricultural product grown in this state to produce a meat or dairy product in this state;**

**(b) A change in the physical state or form of the original agricultural product;**

**(c) An agricultural product grown in this state whose value has been enhanced by special production methods such as organically-grown products; or**

**(d) A physical segregation of a commodity or agricultural product grown in this state that enhances its value such as identity preserved marketing systems.**

**SECTION B. CONTINGENT EXPIRATION OF CERTAIN SECTIONS.** — The repeal and reenactment of sections 100.710 and 178.892, and the enactment of sections 135.276, 135.277, 135.279, 135.281, and 135.283 of section A of this act shall expire on January 1, 2006, if no essential industry retention projects have been approved by the department of economic development by December 31, 2005. If an essential industry retention project has been approved by the department of economic development by December 31, 2005, the repeal and reenactment of sections 100.710 and 178.892, and the enactment of sections 135.276, 135.277, 135.279, 135.281, and 135.283 of section A of this act shall expire on January 1, 2020.

**SECTION C. EMERGENCY CLAUSE.** — Because of the need to retain vital jobs across the state, the repeal and reenactment of sections 100.710, 100.840, 100.850, and 178.892, and the enactment of sections 99.915, 99.918, 99.919, 99.921, 99.924, 99.927, 99.930, 99.933, 99.936,

99.939, 99.942, 99.945, 99.948, 99.951, 99.954, 99.957, 99.958, 99.960, 99.963, 99.965, 99.968, 99.971, 99.975, 99.980, 135.276, 135.277, 135.279, 135.281, and 135.283 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 100.710, 100.840, 100.850, and 178.892, and the enactment of sections 99.915, 99.918, 99.919, 99.921, 99.924, 99.927, 99.930, 99.933, 99.936, 99.939, 99.942, 99.945, 99.948, 99.951, 99.954, 99.957, 99.958, 99.960, 99.963, 99.965, 99.968, 99.971, 99.975, 99.980, 135.276, 135.277, 135.279, 135.281, and 135.283 of section A of this act shall be in full force and effect upon its passage and approval.

Approved July 7, 2003

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## HB 292 [HB 292]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### **Designates the De Soto Armory as the William E. "Bud" Lewis Armory.**

AN ACT to amend chapter 41, RSMo, by adding thereto one new section relating to the De Soto armory.

#### SECTION

- A. Enacting clause.
- 41.672. William E. "Bud" Lewis armory.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 41, RSMo, is amended by adding thereto one new section, to be known as section 41.672, to read as follows:

**41.672. WILLIAM E. "BUD" LEWIS ARMORY.** — The De Soto armory shall be designated as the "William E. "Bud" Lewis" armory.

Approved June 26, 2003

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## HB 307 [HB 307]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### **Changes the procedure for mutual-aid agreements.**

AN ACT to repeal section 44.090, RSMo, and to enact in lieu thereof one new section relating to mutual-aid agreements.

#### SECTION

- A. Enacting clause.
- 44.090. Mutual-aid agreements.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

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**SECTION A. ENACTING CLAUSE.** — Section 44.090, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 44.090, to read as follows:

**44.090. MUTUAL-AID AGREEMENTS.** — 1. The executive officer of any political subdivision[, with the approval of the governor,] may enter into mutual-aid arrangements or agreements with other public and private agencies within and without the state for reciprocal emergency aid. Such arrangements or agreements shall be consistent with the state disaster plan and program and the provisions of section 70.837, RSMo, and section 320.090, RSMo. In time of emergency it shall be the duty of each local organization for emergency management to render assistance in accordance with the provisions of such mutual-aid arrangements or agreements.

2. The coordinator of each local organization for emergency management may assist in negotiation of reciprocal mutual-aid agreements between [his] **the coordinator's** organization and other public and private agencies and between the governor and the adjoining states or political subdivisions thereof, and shall carry out arrangements or agreements relating to the local unit.

Approved June 26, 2003

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## HB 314 [HB 314]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Prohibits the requirement of public projects to be bonded by any particular insurance or surety company.**

AN ACT to amend chapter 34, RSMo, by adding thereto one new section relating to bonds of officers and contractors for public works.

### SECTION

A. Enacting clause.

34.059. Surety bonds required for public works contracts or construction, public entity cannot require they be obtained from particular insurance or surety company.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 34, RSMo, is amended by adding thereto one new section, to be known as section 34.059, to read as follows:

**34.059. SURETY BONDS REQUIRED FOR PUBLIC WORKS CONTRACTS OR CONSTRUCTION, PUBLIC ENTITY CANNOT REQUIRE THEY BE OBTAINED FROM PARTICULAR INSURANCE OR SURETY COMPANY.** — 1. No public entity, nor any officer, agent or employee acting or purporting to act on behalf of such public entity, shall require a bidder, proposer, or contractor to obtain or procure any surety bond, including but not limited to bid bonds, payment bonds and performance bonds, from a particular insurance or surety company, producer, agent, or broker in connection with any contract for the construction of public works.

2. Any provision in a public works contract, bidding documents, request for proposals, or similar document in conflict herewith shall be void as contrary to the public policy.

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3. As used in this section, the terms "public entity" and "public works" shall be given the definition set forth in section 107.170, RSMo.

Approved July 3, 2003

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#### HB 318 [HCS HB 318]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Authorizes the county commission in Cass County to create a county municipal court.**

AN ACT to amend chapter 67, RSMo, by adding thereto one new section relating to county ordinance violations.

#### SECTION

A. Enacting clause.

67.2010. Certain counties may have associate circuit judges decide county ordinance violations (Cass County).

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 67, RSMo, is amended by adding thereto one new section, to be known as section 67.2010, to read as follows:

**67.2010. CERTAIN COUNTIES MAY HAVE ASSOCIATE CIRCUIT JUDGES DECIDE COUNTY ORDINANCE VIOLATIONS (CASS COUNTY).** — 1. Any county of the first classification with more than eighty-two thousand but less than eighty-two thousand one hundred inhabitants may elect to have the violations of county ordinances adopted pursuant to section 304.130, RSMo, heard and determined by an associate circuit judge of the circuit in which the county is located; provided, however, if such election is made, all violations of that county's ordinances adopted pursuant to section 304.130, RSMo, shall be heard and determined before an associate circuit judge or judges. Nothing in this subsection shall preclude the transfer or assignment of another judge to hear and determine a case or class of cases when otherwise authorized by provisions of the constitution, law, or court rule.

2. If a county elects to have the violations of its county ordinances adopted pursuant to section 304.130, RSMo, heard and determined by an associate circuit judge, the associate circuit judge or judges shall commence hearing and determining such violations six months after the county notifies the presiding judge of the circuit of its election. With the consent of the presiding judge, the associate circuit judge or judges may commence hearing such violations at an earlier date.

Approved July 11, 2003

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#### HB 326 [HB 326]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Changes language in the Ste. Genevieve County boundary description.**

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AN ACT to repeal section 46.144, RSMo, and to enact in lieu thereof one new section relating to the description of the Ste. Genevieve County boundaries.

SECTION

- A. Enacting clause.  
46.144. Ste. Genevieve.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 46.144, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 46.144, to read as follows:

**46.144. STE. GENEVIEVE.** — Beginning at a point in the middle of the main channel of the Mississippi River, opposite the mouth of the St. Laurent Creek; thence in a direct line to the point of intersection of the principal forks of Saline Creek; thence in a direct line to the southwest corner of section one, township thirty-four, north, range eight, east, of the fifth principal meridian; thence [in a direct line to a rock, around which several trees are notched and blazed, it being at] **northwesterly along the line as surveyed by Henry Nations, county surveyor of Ste. Genevieve County, and Lovel Turley, county surveyor of St. Francois County, surveyed between October 26, 1925, and June 23, 1926, and recorded in the Ste. Genevieve county clerk's office in roller number 2, map number 29, dated July 23, 1926,** to the point of intersection with the line surveyed by J. M. Stevenson, M. Frissel and W. B. Wilkenson in pursuance of act entitled "An act to ascertain the line between St. Francois and Ste. Genevieve Counties", approved February 15, 1841; thence [south forty-five degrees and fifty-two minutes, west, on a direct line] **southwesterly along the line as surveyed by Henry Nations, county surveyor of Ste. Genevieve County, and Lovel Turley, county surveyor of St. Francois County, surveyed between October 26, 1925, and June 23, 1926, and recorded in the Ste. Genevieve county clerk's office in roller number 2, map number 29, dated July 23, 1926,** to a rock from which the corner of sections six and seven, on the line between ranges seven and eight, east, township thirty-four, north, bears north twenty-eight degrees, west eight chains and forty-eight links, and a black oak, nine inches in diameter, bears north eight degrees, east one hundred and seventeen links, and a post oak, twenty inches in diameter, bears north seventy-seven degrees, west eighty-nine links distant; thence [north forty-four degrees and eight minutes, west, on a direct line] **northwesterly along the line as surveyed by Henry Nations, county surveyor of Ste. Genevieve County, and Lovel Turley, county surveyor of St. Francois County, surveyed between October 26, 1925, and June 23, 1926, and recorded in the Ste. Genevieve county clerk's office in roller number 2, map number 29, dated July 23, 1926,** to a rock, from which the corner of sections twenty-six and twenty-seven, thirty-four and thirty-five, township thirty-seven, north, range five, east, bears north twenty-five degrees, east fifteen chains and seventy-eight links, and a black oak sixteen inches in diameter marked S.T.G.C., bears south seventy-three degrees, east eighty-six links, and a post oak, seven inches in diameter, marked S.T.F.C., bears south twenty-eight degrees, west, forty-four links distant; thence [north forty-five degrees and fifty-two minutes east, to a post with three rocks around it, on a line passing through the southeast corner of section twenty-three, township thirty-eight, north, range six, east, six chains and forty-three links, south fifty-one and a half degrees east of the southeast corner of said section, from said post and rocks, a sugar tree, twenty inches in diameter, marked S.T.G.C., bears south thirty degrees, west fifty links, and a white oak, thirty inches diameter, marked S.T.F.C., bears south eighty-one degrees, west one hundred and thirty-one links distant] **north 45 degrees 57 minutes 31 seconds east, a distance of 54,243.81 feet along the line as shown on a survey examined and approved by the St. Francois and Ste. Genevieve County presiding commissioners on December 3, 1991, and filed as document number 750-26038 in the state land survey repository, to the corner described on certified land corner document number 600-47786 filed in the state land survey repository;** thence in a

direct line **as shown on document number 750-26038** toward the southeast corner of township thirty-nine, north, of range five, east, so far as to intersect the Platten Creek; thence in a direct line to Skagg's Spring, on the Isle au Bois Creek, in section fourteen, township thirty-nine, north, of range six, east, and to said Isle au Bois Creek and to the middle of the main channel thereof; thence down the middle of the main channel of said Isle au Bois Creek to the slough bank; thence in a northeastern direction to the middle of the main channel of the Mississippi River; thence down the middle of the main channel of said Mississippi River to the place of beginning.

Approved July 1, 2003

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## HB 332 [HCS HB 332]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Establishes requirements for use of the title of "social worker".**

AN ACT to repeal sections 337.600 and 337.633, RSMo, and to enact in lieu thereof three new sections relating to social work, with a penalty provision.

### SECTION

- A. Enacting clause.
- 337.600. Definitions.
- 337.604. Title of social worker, requirements to use title.
- 337.633. Violations, penalty — refund of fees for service — duties of department — injunctions, grounds for — venue.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 337.600 and 337.633, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 337.600, 337.604, and 337.633, to read as follows:

**337.600. DEFINITIONS.** — As used in sections 337.600 to [337.639] **337.689**, the following terms mean:

- (1) "Clinical social work", the application of methods, principles, and techniques of case work, group work, client-centered advocacy, community organization, administration, planning, evaluation, consultation, research, psychotherapy and counseling methods and techniques to persons, families and groups in assessment, diagnosis, treatment, prevention and amelioration of mental and emotional conditions;
- (2) "Department", the Missouri department of economic development;
- (3) "Director", the director of the division of professional registration in the department of economic development;
- (4) "Division", the division of professional registration;
- (5) "Licensed clinical social worker", any person who offers to render services to individuals, groups, organizations, institutions, corporations, government agencies or the general public for a fee, monetary or otherwise, implying that the person is trained, experienced, and licensed as a clinical social worker, and who holds a current, valid license to practice as a clinical social worker;

(6) "Practice of clinical social work", rendering, offering to render, or supervising those who render to individuals, couples, groups, organizations, institutions, corporations, or the general public any service involving the application of methods, principles, and techniques of clinical social work;

(7) "Provisional licensed clinical social worker", any person who is a graduate of an accredited school of social work and meets all requirements of a licensed clinical social worker, other than the supervised clinical social work experience prescribed by subdivision (2) of subsection 1 of section 337.615, and who is supervised by a person who is qualified to practice clinical social work, as defined by rule[.];

(8) "Social worker", any individual that has:

(a) Received a baccalaureate or master's degree in social work from an accredited social work program approved by the council on social work education;

(b) Received a doctorate or Ph.D. in social work; or

(c) A current baccalaureate or clinical social worker license as set forth in sections 337.600 to 337.689.

**337.604. TITLE OF SOCIAL WORKER, REQUIREMENTS TO USE TITLE. — 1. No person shall hold himself or herself out to be a "social worker" unless such person has:**

(a) Received a baccalaureate or master's degree in social work from an accredited social work program approved by the council on social work education;

(b) Received a doctorate or Ph.D. in social work; or

(c) A current baccalaureate or clinical social worker license as set forth in sections 337.600 to 337.689.

**2. No government entities, public or private agencies or organizations in the state shall use the title "social worker" or any form of the title for volunteer or employment positions or within contracts for services, documents, manuals, or reference material effective January 1, 2004, unless the volunteers or employees in those positions meet the criteria set forth in subdivision (8) of section 337.600 or subsection 1 of section 337.604.**

**337.633. VIOLATIONS, PENALTY — REFUND OF FEES FOR SERVICE — DUTIES OF DEPARTMENT — INJUNCTIONS, GROUNDS FOR — VENUE. — 1. Violation of any provision of sections 337.600 to [337.639] 337.689 shall be a class B misdemeanor.**

**2. All fees or other compensation received for services which are rendered in violation of sections 337.600 to [337.639] 337.689 shall be refunded.**

**3. The department on behalf of the committee may sue in its own name in any court in this state. The department shall inquire as to any violations of sections 337.600 to [337.639] 337.689, may institute actions for penalties herein prescribed, and shall enforce generally the provisions of sections 337.600 to [337.639] 337.689.**

**4. Upon application by the committee, the attorney general may on behalf of the committee request that a court of competent jurisdiction grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:**

(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration or authority, permit or license is required upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit or license; or

(2) Engaging in any practice of business authorized by a certificate of registration or authority, permit or license issued pursuant to sections 337.600 to [337.639] 337.689 upon a showing that the holder presents a substantial probability of serious harm to the health, safety or welfare of any resident of this state or client or patient of the licensee.

**5. Any action brought pursuant to the provisions of this section shall be commenced either in the county in which such conduct occurred or in the county in which the defendant resides.**

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6. Any action brought pursuant to this section may be in addition to or in lieu of any penalty provided by this act and may be brought concurrently with other actions to enforce the provisions of sections 337.600 to [337.639] **337.689**.

Approved July 11, 2003

## HB 346 [SCS HCS HB 346 & 174]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### **Modifies the provisions of the public school and nonteacher retirement systems.**

AN ACT to repeal sections 169.030, 169.050, 169.056, 169.070, 169.570, 169.577, 169.590, 169.620, 169.650, 169.655, 169.670, and 169.712, RSMo, and to enact in lieu thereof seventeen new sections relating to the public school retirement system, with penalty provisions and an emergency clause.

#### SECTION

- A. Enacting clause.
- 168.303. Job-sharing rules to be adopted by board, job sharing defined.
- 169.030. Contributions by members and employees, exceptions — rate — withholding required — board to fix rate, conditions.
- 169.050. Membership — prior service credit, withdrawal — reinstatement contributions.
- 169.056. Private school, defined — membership credit for service in private school, purchase, payment, requirements.
- 169.070. Retirement allowances, how computed, election allowed, time period — options — effect of federal O.A.S.I. coverage — cost-of-living adjustment authorized — limitation of benefits — employment of special consultant, compensation, minimum benefits.
- 169.073. Partial lump sum distribution, when — options — calculation for changes in distribution amount — death, effect of.
- 169.331. Retired teachers may teach full-time without loss of benefits, when — school district requirements.
- 169.570. Employment of person having rights in more than one retirement system, may purchase membership credit — purchase of equivalent credit, when, requirements.
- 169.577. Purchase of additional creditable service to achieve minimum time required for allowance — request, form, purchase, requirements, term.
- 169.590. Health plans for school district employees to include retirees, families of retirees and survivors.
- 169.596. Retired teacher may teach full time without loss of retirement benefits, when — school district requirements.
- 169.620. Contributions by members and employers — rate — penalty for failure to remit — benefits to be reduced, when — purchase of service credit, certain members, how.
- 169.650. Membership — prior service credit — reinstatement — procedure.
- 169.655. Purchase of membership credit for service to organization supporting education or research — limitations, requirements — transfer of funds.
- 169.670. Benefits, how computed — beneficiary benefits, options, election of.
- 169.673. Partial lump sum distribution, when — changes in distribution amount, formula — death, effect of.
- 169.712. Transfer to public school retirement system, certain nonteacher employees, procedure.
- B. Emergency clause.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 169.030, 169.050, 169.056, 169.070, 169.570, 169.577, 169.590, 169.620, 169.650, 169.655, 169.670, and 169.712, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 168.303, 169.030, 169.050, 169.056, 169.070, 169.073, 169.331, 169.570, 169.577, 169.590, 169.596, 169.620, 169.650, 169.655, 169.670, 169.673, and 169.712, to read as follows:

**168.303. JOB-SHARING RULES TO BE ADOPTED BY BOARD, JOB SHARING DEFINED. —**

The state board of education shall adopt rules to facilitate job-sharing positions for classroom teachers, as the term "job-sharing" is defined in this section. These rules shall provide that a classroom teacher in a job-sharing position shall receive paid legal holidays, annual vacation leave, sick leave, and personal leave on a pro rata basis. "Job-sharing position" shall mean any position:

- (1) Shared with one other employee;
- (2) Requiring employment of at least seventeen hours per week but not more than twenty hours per week on a regular basis; and
- (3) Requiring at least seventy percent of all time spent in classroom instruction as determined by the employer; provided that, job sharing position shall not include instructional support or school services positions including, but not limited to, guidance counselor, media coordinator, psychologist, social worker, audiologist, speech and language pathologist, and nursing positions.

**169.030. CONTRIBUTIONS BY MEMBERS AND EMPLOYEES, EXCEPTIONS — RATE — WITHHOLDING REQUIRED — BOARD TO FIX RATE, CONDITIONS. —** 1. The funds required for the operation of the retirement system created by sections 169.010 to 169.141 shall come from contributions made in equal amounts by members of the system and their employers, except as provided for certain members and employers by section 104.342, RSMo, and from such interest as may be derived from the investment of any part of such contributions. All contributions shall be transmitted to the board of trustees by employers in such manner and at such time as the board by rule shall require.

2. For each school year following the date on which the system becomes operative, each and every employer of one or more persons who are members of the system shall transmit to the board of trustees, in the manner and accompanied by such supporting data as the board shall prescribe, twice the amount that is deductible from the pay of such employee or employees during the school year. Failure or refusal to transmit such amount as required shall render the person or persons responsible therefor individually liable for twice the amount so withheld. Suits for the recovery of amounts for which individuals are thus rendered liable shall be instituted and prosecuted by the board of trustees in the name of the retirement system. In addition to such civil penalty, and not in lieu thereof, any person or persons made responsible for the payment of contributions who shall willfully and knowingly fail or refuse to transmit such contributions or any part thereof to the board of trustees shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars and not more than two hundred dollars, and each day such person or persons shall so fail or refuse to transmit such contributions shall be deemed a separate offense.

3. The contributions of members of the retirement system shall be collected by their employers through appropriate deductions from paychecks, except as provided for certain members and employers by section 104.342, RSMo. The total amount deducted from the paychecks of members during any school year shall equal such a percent of their salary rates as may be required by the contribution rate then in effect. Contributions transmitted to the retirement system before February 20, 1996, based on salary rates which either included or excluded employer-paid medical benefits for members, shall be deemed to have been in compliance with this section. The retirement system shall not refund or adjust contributions or adjust benefit determinations with respect to any period before February 20, 1996, solely because of the treatment of employer-paid medical benefits for members. Effective December 31, 1995, compensation in excess of the limitations set forth in section 401(a)(17) of title 26 of the United States Code shall be disregarded for purposes of determining contributions under this section and calculating benefits paid by the public school retirement system of Missouri. The limitation on compensation for eligible employees shall not be less than the amount which was allowed to be

taken into account under the system as in effect on July 1, 1993. For this purpose, an "eligible employee" is an individual who was a member of the system before July 1, 1996.

4. The [contribution rate shall be three percent for the first year of the system's operation. After the first year of operation the] board of trustees shall [have authority to] **fix and certify to the employers** the level rate of contribution[, not to exceed eleven and one-half percent, required for the operation of the system and to make adjustments in such rate as may thereafter be necessary; provided that if the level rate required for operation of the system shall exceed eleven and one-half percent for five consecutive years, all benefits provided herein shall be equitably reduced to such an extent that the rate required for the operation of the system shall be eleven and one-half percent.] **subject to the following:**

(1) **The level rate of contribution for a fiscal year shall not exceed the level rate of contribution for the prior fiscal year by more than one-half percent;**

(2) **The board shall fix and certify to the employers the rate of contribution for a fiscal year no later than six months prior to the date such rate is to be effective;**

(3) **The board shall fix and certify to the employers the rate of contribution for a fiscal year based on an actuarial valuation of the system as of a date not earlier than the last day of the second prior fiscal year. Such actuarial valuation of the system shall be performed using processes and actuarial assumptions that are in accordance with actuarial standards of practice in effect at the time the valuation is performed, as promulgated by the actuarial standards board or its successor; provided that such actuarial valuation shall be based on the entry age normal actuarial cost method and an asset valuation method based on the market value of system assets that may provide for smoothing of investment gains and losses, and, further, that the level rate of contribution shall be the total of the normal cost rate and a rate which shall amortize the unfunded actuarial accrued liability over a period that shall not exceed thirty years from the date of the valuation, subject to the limitations of this subsection; and**

(4) **Not less than once every ten years the board shall have an actuary, other than the actuary performing the actuarial valuation pursuant to this section, review such actuarial valuation and perform an additional valuation of the system.**

5. Regardless of the provisions of any law governing compensation and contracts, every teacher or employee shall be deemed to consent and agree to the deductions provided herein. Payment of salary or compensation less such deduction shall be a full and complete discharge of all salary or compensation claims and demands during the period covered by such payment, except as to the benefits provided under sections 169.010 to 169.141.

**6. Notwithstanding any other provision of sections 169.010 to 169.141 to the contrary, no legislation shall be enacted after July 1, 2003, that increases benefits provided to members or retirees of the public school retirement system of Missouri above that which may be funded using a rate of contribution of ten and one-half percent as determined using an actuarial valuation as provided in subsection 4 of this section; provided that, notwithstanding the provision of this subsection, legislation may be enacted after July 1, 2003, that provides for an extension of time within which a member may make an election pursuant to subdivisions (3) to (8) of subsection 1 of section 169.070.**

**169.050. MEMBERSHIP — PRIOR SERVICE CREDIT, WITHDRAWAL — REINSTATEMENT CONTRIBUTIONS.** — 1. On and after the effective date of sections 169.010 to 169.140, all employees as defined in sections 169.010 to 169.141 of districts included in the retirement system thereby created shall be members of the system by virtue of their employment, except as provided by section 104.342, RSMo. Individuals who qualify as independent contractors under the common law and are treated as such by their employer shall not be considered employees for purposes of membership in or contributions to the retirement system.

2. Any person who becomes a member before the end of the school year next following the date on which the system becomes operative may claim credit for service rendered as an

employee in Missouri prior to such operative date, or for service rendered in the armed forces of the United States during a period of war, the same as if the person were a teacher, provided the person was a teacher in Missouri at the time the person was inducted, by filing with the board of trustees, within such time as the board may specify, a complete and detailed record of the service for which credit is claimed, together with such supporting evidence as the board may require for verification of the record. To the extent that the board finds the record correct, it shall credit the claimant with prior service and shall notify the claimant of its decision, but the amount of such credit shall not exceed thirty years.

3. No prior service credit shall be granted to any person who becomes a member after the first year of the system's operation, except as provided in subsection 5 of this section unless that person's failure to become a member before or during that year was due either to service in the armed forces of the United States or to attendance at a recognized educational institution for professional improvement; provided, that the board of trustees may grant prior service credit to a teacher who taught prior to August 1, 1945, if the teacher returns to teaching before July 1, 1950, and if such teacher teaches in the public schools of Missouri not less than seven years after returning before retirement, or the board of trustees may grant prior service credit to a teacher who taught prior to August 1, 1945, if the teacher returns to teaching and teaches at least one-half of the number of years between July 1, 1946, and age sixty but not less than seven years after returning before retirement, except that a member who will have thirty-five or more years of teaching service in Missouri at retirement shall be required to teach not less than three years after returning and before retirement. A person serving in the armed forces of the United States shall have the same right to prior service credit as one who became a member before the end of the first year of the system's operation, if the person becomes a member within one year of the date of the person's discharge from such service or within one year of such date plus time spent as a student in a standard college or university in further preparation for service as a public school employee. A person attending a recognized educational institution for the person's professional improvement shall have the same right to prior service credit as one who became a member before the end of the first year of the system's operation, if the person becomes a member within three years following the date on which the system became operative, and within one year of the date on which the person's attendance at such institution ceased.

4. Membership shall be terminated by failure of a member to earn any membership credit as a public school employee under this system for five consecutive school years, by death, withdrawal of contributions, or retirement.

5. If a member withdraws or is refunded the member's contributions, the member shall thereby forfeit any creditable service the member may have; provided, however, if such person again becomes a member of the system, the person may elect to reinstate the creditable service forfeited at times of previous withdrawals or refunds. The reinstatement shall be effected by the [member's] **member** paying to the retirement system with interest the total amount of accumulated contributions withdrawn by the member or refunded to the member with respect to the service being reinstated. A member may reinstate less than the total service previously forfeited, in accordance with rules promulgated by the board of trustees. The payment [may be made over a period not longer than five years or the length of service to be reinstated whichever is longer, beginning from the date of election, or prior to retirement, whichever is earlier, and] **shall be completed prior to termination of membership with the retirement system** with interest on the unpaid balance; provided, however, that if a member is retired on disability before completing such payments, the balance due with interest may be deducted from the member's disability retirement allowance.

[6. Any person who elected to purchase creditable service pursuant to section 169.055, 169.056 or 169.057 and failed to complete payment within the time allowed may again elect to purchase creditable service pursuant to those provisions, if the election is made before July 1, 1998. The election may include a purchase of creditable service for the same period for which the earlier election was made.

7. Any person who would be entitled to elect to purchase creditable service pursuant to section 169.055 for unpaid maternity or paternity leave except for the fact that the person returned to employment in a position covered by the retirement system more than five years after the end of the leave period may elect to purchase such creditable service if the election is made before July 1, 1998.

8. Any person who would be entitled to purchase creditable service pursuant to subsection 1 of section 169.055 except for the fact that the application was made on or after June 19, 1997, may elect to purchase such creditable service if the election is made before July 1, 1998.]

**169.056. PRIVATE SCHOOL, DEFINED — MEMBERSHIP CREDIT FOR SERVICE IN PRIVATE SCHOOL, PURCHASE, PAYMENT, REQUIREMENTS.** — 1. Members who have accrued at least one year of membership service credit for employment in a position covered by this **retirement system and who have covered employment with this retirement system following the service for which credit is being purchased** may purchase membership service credit under the circumstances, terms and conditions provided in this section. With respect to each such purchase authorized by this section the following provisions apply:

(1) The purchase shall be effected by the member paying to the retirement system [with interest,] the amount the member would have contributed and the amount the employer would have contributed had such member been an employee for the number of years for which the member is electing to purchase credit, and had the member's compensation during such period been the [same as the annual salary rate at which the member is first employed in a position qualifying for membership in the retirement system after the period being purchased, provided that the purchase cost shall not exceed the actuarial value of the credit being purchased] **highest annual salary rate on record with the retirement system on the date of election to purchase credit**. For purposes of this section, "annual salary rate" means the annual salary rate for full-time service for the position of employment. The contribution rate used in determining the amount to be paid shall be the contribution rate in effect on the date of election to purchase credit[. The interest rate used in determining the amount to be paid shall be the actuarially assumed rate of return on invested funds of the system in effect at the date of election to purchase credit];

(2) [Payment shall be made over a period not longer than the period of membership service credit being purchased, measured from the date of election, and with interest on the unpaid balance;

(3)] Membership service credit purchased pursuant to this section shall be deemed to be membership service in Missouri for purposes of subsection 7 of section 169.070;

[(4)] **(3)** An election to purchase membership service credit pursuant to this section and payment for the purchase shall be completed prior to [retirement] **termination of membership with the retirement system with interest on the unpaid balance**;

[(5)] **(4)** Members may purchase membership service credit in increments of one-tenth of a year, and multiple elections to purchase may be made;

[(6)] **(5)** Additional terms and conditions applicable to purchase made pursuant to this section including, but not limited to, minimum payments, payment schedules and provisions applicable when a member fails to complete payment may be set by rules of the board.

2. Membership service credit shall not be allowed pursuant to this section **or sections 169.570 and 169.577** which exceeds in length the member's membership service credit for employment in a position covered by this system, and in no event may the member receive membership service credit with both this system and another public retirement [plan, as defined in section 105.660, RSMo,] **system** for the same service.

3. A member who [has rendered service] **was employed** for at least twenty hours per week [as a teacher outside of this state including service in] **on a regular basis by a public school district, public junior college, public community college, public college, or public university**

[or who has rendered service in the University of Missouri or Lincoln University after July 1, 1946], **either inside or outside of this state**, may elect [prior to retirement] to purchase equivalent membership service credit [but not in excess of ten years. An affidavit shall be required stipulating that the member is not presently receiving compensation from another teacher retirement system and will not receive credit in another system for the creditable time purchased].

4. [(1)] A member who [enters the service of] **has served in** the armed forces of the United States of America **and** who [is an employee in a district included in the system at the time such member is inducted, enlisted or called to active duty, and who without voluntary reenlistment becomes an employee in a district within one year after discharge from such service shall not be subject to the provisions of subsection 4 of section 169.050 with regard to termination of membership due to the period of actual service in the armed forces of the United States. Such a member may elect prior to retirement to purchase membership service credit for the entire period of service in the armed forces of the United States, but not to exceed five years. The purchase may be made only if the member] was discharged or separated from the armed forces by other than a dishonorable discharge].

(2) A member who had served in the armed forces of the United States prior to becoming a member, and who becomes employed in a position qualifying for membership in the retirement system after such member's discharge under honorable conditions] may elect, [prior to retirement,] to purchase membership service for the [entire] period of **active duty** service in the armed forces[, but not to exceed five years].

5. Any member granted unpaid maternity or paternity leave for a period, from a position covered by the retirement system, who returned to employment in such a position, may elect [prior to retirement] to purchase membership service credit for the period of leave. [No member may purchase more than four years of membership service credit pursuant to this subsection.]

6. Any member who is or was certified as a vocational-technical teacher on the basis of having a college degree or who was required to have a period of work experience of at least two years in the area of the subject being taught in order to qualify for such certification may, upon written application to the board, purchase equivalent membership service credit for such work experience which shall not exceed the two years necessary for certification if the work experience was in the area that the member taught or is teaching and was completed in two years.

7. Any member who had membership service credit with the nonteacher school employee retirement system of Missouri governed by sections 169.600 to 169.715 but which membership service credit was forfeited by withdrawal or refund, may elect[, prior to retirement,] to purchase credit for such service [and receive pro rata credit not to exceed a total of ten years in this system for the service]. The nonteacher school employee retirement system of Missouri shall transfer to this system an amount equal to the employer contributions for the forfeited service being purchased, plus interest, which shall be applied to reduce the amount the member would otherwise pay for the purchase, provided that the amount transferred shall not exceed one-half of the purchase cost.

8. A member may elect to purchase membership service credit for service rendered while on leave from an employer, as defined in section 169.010, for a not-for-profit corporation or agency whose primary purpose is support of education or education research, [not to exceed two years] if the member was employed by that organization to serve twenty or more hours per week[; provided the member has returned to service for at least one year as an employee of the employer that granted the leave] **on a regular basis**.

9. A member [having membership service credit in the retirement system provided by sections 169.010 to 169.141, after the member] **who** was employed by a private school, **private junior college, private community college, private college, or private university, either inside or outside of this state**, for at least twenty hours per week [and duly certified under the law governing the certification of teachers during all of such employment] **on a regular basis**,

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may elect to purchase **equivalent** membership service credit for **such** service rendered [to the private school, but not to exceed three years. As used in this subsection, the term "private school" means a school which is not a part of the public school system of this state and which charges tuition for the rendering of elementary and secondary education services].

**169.070. RETIREMENT ALLOWANCES, HOW COMPUTED, ELECTION ALLOWED, TIME PERIOD — OPTIONS — EFFECT OF FEDERAL O.A.S.I. COVERAGE — COST-OF-LIVING ADJUSTMENT AUTHORIZED — LIMITATION OF BENEFITS — EMPLOYMENT OF SPECIAL CONSULTANT, COMPENSATION, MINIMUM BENEFITS.** — 1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or who has attained age fifty-five and whose creditable service is twenty-five years or more or whose creditable service is thirty years or more regardless of age, may be the sum of the following items, not to exceed one hundred percent of the member's final average salary:

(1) Two and five-tenths percent of the member's final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years. In lieu of the retirement allowance otherwise provided in subdivisions (1) and (2) of this subsection, a member may elect to receive a retirement allowance of:

(3) Between July 1, 1998, and July 1, [2003] **2008**, two and four-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-nine years or more but less than thirty years, and the member has not attained age fifty-five;

(4) Between July 1, 1998, and July 1, [2003] **2008**, two and thirty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-eight years or more but less than twenty-nine years, and the member has not attained age fifty-five;

(5) Between July 1, 1998, and July 1, [2003] **2008**, two and three-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-seven years or more but less than twenty-eight years, and the member has not attained age fifty-five;

(6) Between July 1, 1998, and July 1, [2003] **2008**, two and twenty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-six years or more but less than twenty-seven years, and the member has not attained age fifty-five;

(7) Between July 1, 1998, and July 1, [2003] **2008**, two and two-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-five years or more but less than twenty-six years, and the member has not attained age fifty-five;

(8) Between July 1, 2001, and June 30, 2008, two and fifty-five hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is thirty-one years or more regardless of age.

2. In lieu of the retirement allowance provided in subsection 1 of this section, a member whose age is sixty years or more on September 28, 1975, may elect to have the member's retirement allowance calculated as a sum of the following items:

(1) Sixty cents plus one and five-tenths percent of the member's final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years;

(3) Three-fourths of one percent of the sum of subdivisions (1) and (2) of this subsection for each month of attained age in excess of sixty years but not in excess of age sixty-five.

3. (1) In lieu of the retirement allowance provided either in subsection 1 or 2 of this section, collectively called "option 1", a member whose creditable service is twenty-five years or more or who has attained the age of fifty-five with five or more years of creditable service may elect in the member's application for retirement to receive the actuarial equivalent of the member's retirement allowance in reduced monthly payments for life during retirement with the provision that:

Option 2. Upon the member's death the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member as the member shall have nominated in the member's election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the retired member elected option 1;

OR

Option 3. Upon the death of the member three-fourths of the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 4. Upon the death of the member one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance shall be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 5. Upon the death of the member prior to the member having received one hundred twenty monthly payments of the member's reduced allowance, the remainder of the one hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the one hundred twenty monthly payments, the reserve for the remainder of such one hundred twenty monthly payments shall be paid to the estate of the last person to receive a monthly allowance;

OR

Option 6. Upon the death of the member prior to the member having received sixty monthly payments of the member's reduced allowance, the remainder of the sixty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the sixty monthly payments, the reserve of the remainder of such sixty monthly payments shall be paid to the estate of the last person to receive a monthly allowance.

(2) The election of an option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective. If either the member or the person nominated to receive the survivorship payments dies before the effective date of retirement, the option shall not be effective, provided that:

(a) If the member or a person retired on disability retirement dies after acquiring twenty-five or more years of creditable service or after attaining the age of fifty-five years and acquiring five or more years of creditable service and before retirement, except retirement with disability benefits, and the person named by the member as the member's primary beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to

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receive either survivorship benefits under option 2 or a payment of the accumulated contributions of the member. If survivorship benefits under option 2 are elected and the member at the time of death would have been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated beneficiary may further elect to defer the option 2 payments until the date the member would have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section;

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the person named as the member's primary beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either a payment of the member's accumulated contributions, or survivorship benefits under option 2 to begin on the date the member would first have been eligible to receive an actuarial equivalent of the member's retirement allowance, or to begin on the date the member would first have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section.

4. If the total of the retirement allowance paid to an individual before the death of the individual is less than the accumulated contributions at the time of retirement, the difference shall be paid to the beneficiary of the individual, or to the estate of the individual, if there be no beneficiary. If an optional benefit as provided in option 2, 3 or 4 in subsection 3 of this section had been elected, and the beneficiary dies after receiving the optional benefit, and if the total retirement allowance paid to the retired individual and the beneficiary of the retired individual is less than the total of the contributions, the difference shall be paid to the estate of the beneficiary unless the retired individual designates a different recipient with the board at or after retirement.

5. If a member dies before receiving a retirement allowance, the member's accumulated contributions at the time of the death of the member shall be paid to the beneficiary of the member or to the estate of the member, if there be no beneficiary; except that, no such payment shall be made if the beneficiary elects option 2 in subsection 3 of this section, unless the beneficiary dies before having received benefits pursuant to that subsection equal to the accumulated contributions of the member, in which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that subsection shall be paid to the estate of the beneficiary.

6. If a member ceases to be a public school employee as herein defined and certifies to the board of trustees that such cessation is permanent, or if the membership of the person is otherwise terminated, the member shall be paid the member's accumulated contributions with interest.

7. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, if a member ceases to be a public school employee after acquiring five or more years of membership service in Missouri, the member may at the option of the member leave the member's contributions with the retirement system and claim a retirement allowance any time after reaching the minimum age for voluntary retirement. When the member's claim is presented to the board, the member shall be granted an allowance as provided in sections 169.010 to 169.141 on the basis of the member's age, years of service, and the provisions of the law in effect at the time the member requests the member's retirement to become effective.

8. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which the member's creditable service would entitle the member if the member's age were sixty, or fifty percent of one-twelfth of the annual salary rate used in determining the member's contributions during the last school year for which the member received a year of creditable service immediately prior to the member's disability, whichever is greater, except that no such allowance shall exceed the retirement allowance to which the member would have been entitled upon retirement at age sixty if the member had continued to teach from the date of disability until age sixty at the same salary rate.

9. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, from October 13, 1961, the contribution rate pursuant to sections 169.010 to 169.141 shall be multiplied by the factor of two-thirds for any member of the system for whom federal Old Age and Survivors Insurance tax is paid from state or local tax funds on account of the member's employment entitling the person to membership in the system. The monetary benefits for a member who elected not to exercise an option to pay into the system a retroactive contribution of four percent on that part of the member's annual salary rate which was in excess of four thousand eight hundred dollars but not in excess of eight thousand four hundred dollars for each year of employment in a position covered by this system between July 1, 1957, and July 1, 1961, as provided in subsection 10 of this section as it appears in RSMo, 1969, shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, and prior to July 1, 1961, the benefits provided in this section as it appears in RSMo, 1959; except that if the member has at least thirty years of creditable service at retirement the member shall receive the benefit payable pursuant to that section as though the member's age were sixty-five at retirement;

(4) For years of membership service after July 1, 1961, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

10. The monetary benefits for each other member for whom federal Old Age and Survivors Insurance tax is or was paid at any time from state or local funds on account of the member's employment entitling the member to membership in the system shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

11. Any retired member of the system who was retired prior to September 1, 1972, or beneficiary receiving payments under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 1, 1972, will be eligible to receive an increase in the retirement allowance of the member of two percent for each year, or major fraction of more than one-half of a year, which the retired member has been retired prior to July 1, 1975. This increased amount shall be payable commencing with January, 1976, and shall thereafter be referred to as the member's retirement allowance. The increase provided for in this subsection shall not affect the retired member's eligibility for compensation provided for in section 169.580 or 169.585, nor shall the amount being paid pursuant to these sections be reduced because of any increases provided for in this section.

12. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases two percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by two percent of the amount being received by the retired member or the beneficiary at the time the annual increase is granted by the board with the provision that the increases provided for in this subsection shall not become effective until the fourth January first following the member's retirement or January 1, 1977, whichever later occurs, or in the case of any member retiring on or after July 1, 2000, the increase provided for in this subsection shall not become effective until the third January first following the member's retirement, or in the case of any member retiring on or after July 1, 2001, the increase provided for in this subsection shall not become effective until the second January first following the member's retirement. Commencing with January 1,

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1992, if the board of trustees determines that the cost of living has increased five percent or more in the preceding fiscal year, the board shall increase the retirement allowances by five percent. The total of the increases granted to a retired member or the beneficiary after December 31, 1976, may not exceed eighty percent of the retirement allowance established at retirement or as previously adjusted by other subsections. If the cost of living increases less than five percent, the board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed five percent per year. If the cost of living decreases in a fiscal year, there will be no increase in allowances for retired members on the following January first.

13. The board of trustees may reduce the amounts which have been granted as increases to a member pursuant to subsection 12 of this section if the cost of living, as determined by the board and as measured by generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; except that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1976.

14. Any application for retirement shall include a sworn statement by the member certifying that the spouse of the member at the time the application was completed was aware of the application and the plan of retirement elected in the application.

15. Notwithstanding any other provision of law, any person retired prior to September 28, 1983, who is receiving a reduced retirement allowance under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 28, 1983, and whose beneficiary nominated to receive continued retirement allowance payments under the elected option dies or has died, shall upon application to the board of trustees have his or her retirement allowance increased to the amount he or she would have been receiving had the option not been elected, actuarially adjusted to recognize any excessive benefits which would have been paid to him or her up to the time of application.

16. Benefits paid pursuant to the provisions of the public school retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code except as provided pursuant to this subsection. Notwithstanding any other law to the contrary, the board of trustees may establish a benefit plan pursuant to Section 415(m) of Title 26 of the United States Code. Such plan shall be created solely for the purpose described in Section 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.

17. Notwithstanding any other provision of law to the contrary, any person retired before, on, or after May 26, 1994, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive an amount based on the person's years of service so that the total amount received pursuant to sections 169.010 to 169.141 shall be at least the minimum amounts specified in subdivisions (1) to (4) of this subsection. In determining the minimum amount to be received, the amounts in subdivisions (3) and (4) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance. In determining the minimum amount to be received, beginning September 1, 1996, the amounts in subdivisions (1) and (2) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance due to election of an optional form of retirement having a continued monthly payment after the person's death. Notwithstanding any other provision of law to the contrary, no person retired before, on, or after May 26, 1994, and no beneficiary of such a person, shall receive a retirement benefit pursuant to sections 169.010 to 169.141 based on the person's years of service less than the following amounts:

- (1) Thirty or more years of service, one thousand two hundred dollars;
- (2) At least twenty-five years but less than thirty years, one thousand dollars;

(3) At least twenty years but less than twenty-five years, eight hundred dollars;

(4) At least fifteen years but less than twenty years, six hundred dollars.

18. Notwithstanding any other provisions of law to the contrary, any person retired prior to May 26, 1994, and any designated beneficiary of such a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement or aging and upon request shall give written or oral opinions to the board in response to such requests. Beginning September 1, 1996, as compensation for such service, the member shall have added, pursuant to this subsection, to the member's monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. Beginning September 1, 1999, the designated beneficiary of the deceased member shall as compensation for such service have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. The total compensation provided by this section including the compensation provided by this subsection shall be used in calculating any future cost-of-living adjustments provided by subsection 12 of this section.

19. Any member who has retired prior to July 1, 1998, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive a payment equivalent to eight and seven-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 12 and 13 of this section for the purposes of the limit on the total amount of increases which may be received.

20. Any member who has retired shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such request. As compensation for such duties, the person shall receive as a part of compensation for these duties a death benefit of five thousand dollars.

21. Any member who has retired prior to July 1, 1999, and the designated beneficiary of a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to five dollars times the member's number of years of creditable service.

22. Any member who has retired prior to July 1, 2000, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall receive a payment equivalent to three and five-tenths percent of the previous month's benefit, which shall be added to the member or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 12 and 13 of this section for the purposes of the limit on the total amount of increases which may be received.

23. Any member who has retired prior to July 1, 2001, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall receive a dollar amount equal to three dollars times the member's number of years of creditable service, which shall be added to the member's or beneficiary's

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monthly annuity and which shall not be subject to the provisions of subsections 12 and 13 of this section for the purposes of the limit on the total amount of increases which may be received.

**169.073. PARTIAL LUMP SUM DISTRIBUTION, WHEN — OPTIONS — CALCULATION FOR CHANGES IN DISTRIBUTION AMOUNT — DEATH, EFFECT OF. — 1.** Any member eligible for a retirement allowance pursuant to section 169.070 and who has not previously received a retirement allowance, and whose sum of age and creditable service equals eighty-six years or more or whose creditable service is thirty-three years or more or whose age is sixty-three years or more and who has eight years or more of creditable service may elect a distribution under the partial lump sum option plan provided in this section if the member notifies the retirement system on the application for retirement.

2. A member entitled to make an election pursuant to this section may elect to receive a lump sum distribution in addition to the member's monthly retirement allowance pursuant to section 169.070, as reduced pursuant to this section. Such member may elect the amount of the member's lump sum distribution from one, but not more than one, of the following options:

(1) A lump sum amount equal to twelve times the retirement allowance the member would receive if no election were made pursuant to this section and the member had chosen option 1 pursuant to section 169.070;

(2) A lump sum amount equal to twenty-four times the retirement allowance the member would receive if no election were made pursuant to this section and the member had chosen option 1 pursuant to section 169.070; or

(3) A lump sum amount equal to thirty-six times the retirement allowance the member would receive if no election were made pursuant to this section and the member had chosen option 1 pursuant to section 169.070.

3. When a member makes an election to receive a lump sum distribution pursuant to this section, the retirement allowance that the member would have received in the absence of the election shall be reduced on an actuarially equivalent basis to reflect the payment of the lump sum distribution and the reduced retirement allowance shall be the member's retirement allowance thereafter for all purposes in relation to retirement allowance amounts pursuant to section 169.070. A retirement allowance increased due to the death of a person nominated by the member to receive benefits pursuant to the provisions of option 2, 3, or 4 of subsection 3 of section 169.070 shall be increased pursuant to such provisions to the amount the retired member would be receiving had the retired member elected option 1 as actuarially reduced due to the lump sum distribution made pursuant to this section. Any payment of accumulated contributions pursuant to the provisions of sections 169.010 to 169.141 shall be reduced by the amount of any lump sum distribution made pursuant to this section in addition to any other reductions required by sections 169.010 to 169.141.

4. If the member dies before receiving a lump sum distribution pursuant to this section, the lump sum distribution shall be paid in accordance with rules adopted by the board of trustees.

5. Benefits paid pursuant to this section, in addition to all other provisions of the public school retirement system of Missouri, shall not exceed the limitations of Section 415 of Title 26 of the United States Code except as provided in subsection 16 of section 169.070.

**169.331. RETIRED TEACHERS MAY TEACH FULL-TIME WITHOUT LOSS OF BENEFITS, WHEN — SCHOOL DISTRICT REQUIREMENTS. — 1.** Notwithstanding any other provision of sections 169.270 to 169.400 to the contrary, a retired certificated teacher receiving a retirement benefit from the retirement system established pursuant to sections 169.270 to 169.400 may, without losing his or her retirement benefit, teach full-time for up to two

years for a school district covered by such retirement system; provided that the school district has a shortage of certified teachers, as determined by the school district. The total number of such retired certificated teachers shall not exceed, at any one time, fifteen certificated teachers.

2. The employer's contribution rate shall be paid by the hiring school district and the employee's contribution rate shall be paid by the employee.

3. Any additional actuarial costs resulting from the hiring of a retired certificated teacher pursuant to the provisions of this section shall be paid by the hiring school district.

4. In order to hire teachers pursuant to the provisions of this section, the school district shall:

- (1) Show a good faith effort to fill positions with nonretired certificated teachers;
- (2) Post the vacancy for at least one month;
- (3) Have not offered early retirement incentives for either of the previous two years;
- (4) Solicit applications through the local newspaper, other media, or teacher education programs;
- (5) Determine there is an insufficient number of eligible applicants for the advertised position; and
- (6) Declare a critical shortage of certificated teachers that is active for one year.

5. Any person hired pursuant to this section shall be included in the State Director of New Hires for purposes of income and eligibility verification pursuant to 42 U.S.C. Section 1320b-7.

**169.570. EMPLOYMENT OF PERSON HAVING RIGHTS IN MORE THAN ONE RETIREMENT SYSTEM, MAY PURCHASE MEMBERSHIP CREDIT — PURCHASE OF EQUIVALENT CREDIT, WHEN, REQUIREMENTS.** — 1. [An employee having five or more years of membership service under one of the Missouri retirement systems as provided by sections 169.010 to 169.141, 169.270 to 169.400 or 169.410 to 169.540, who is subsequently employed in a position covered by another of the Missouri retirement systems, may leave the employee's contributions with the system under which the employee was first employed and be eligible to receive a benefit based upon the employee's services under that system when the employee becomes eligible for a service retirement benefit from another of such Missouri retirement systems or upon having reached retirement age having previously retired on disability. In the event the member does not become eligible for a retirement benefit, the employee shall be entitled to a refund of the employee's contributions with interest upon demand, or to such other benefits as may be provided by law.

2.] An employee having less than five years of membership service under one of the Missouri retirement systems provided in sections 169.010 to 169.141, 169.270 to 169.400 or 169.410 to 169.540, who is subsequently employed in a position covered by another of the Missouri retirement systems, may elect within five years after employment in a district included in another of the Missouri retirement systems to purchase membership credit for service rendered under the first system; provided, however, that the employee shall be entitled to apply the membership credit thus purchased toward a service retirement only and not for any other benefit. The purchase shall be effected by the member paying to the retirement system the amount required by the rules and regulations established by the respective retirement system, or, absent such rules and regulations, an amount, with interest, based on the annual salary rate of the employee's initial employment in a district under the system in which credit is being purchased and the contribution rate in effect in that system at the date of election to purchase credit. In the retirement systems provided by sections 169.270 to 169.400 and 169.410 to 169.540, the school district shall contribute the amount required by the statutes and by the rules and regulations established by the system for each year of creditable service purchased by the incoming member.

[3.] 2. A member of any Missouri public school retirement system **established by sections 169.010 to 169.141, 169.270 to 169.400, 169.410 to 169.540, or 169.600 to 169.715** who has

previous credit in one of the other Missouri public school retirement systems may elect to purchase equivalent credit[, not to exceed ten years.] in the member's present system provided such credit toward retirement is withdrawn and benefits terminated in the previous system. [A member of the system established by sections 169.600 to 169.715 who has previous credit in one of the Missouri public school retirement systems established by sections 169.270 to 169.400 or, 169.410 to 169.540 may elect to purchase equivalent credit, not to exceed ten years, in the member's present system provided such credit toward retirement is withdrawn and benefits terminated in the previous system.] The purchase shall be effected by the member paying to the retirement system the amount required by the rules and regulations established by the respective retirement system, or absent such rules and regulations, an amount, with interest, based on the annual salary rate of the member's initial employment in a district under the system in which credit is being purchased and the contribution rate in effect in that system at the date of election to purchase credit.

[4.] **3.** Nothing in this section shall decrease or discontinue the benefits provided by the sections of the statutes relating to any of the public school retirement systems in the state of Missouri.

[5.] **4.** Payment pursuant to the provisions of this section shall be [made before retirement and over a period of time] **completed prior to termination of membership with the retirement system**, with interest on the unpaid balance, [not to exceed the number of years of credit being purchased.] in accordance with rules and regulations **and statutes** established by the respective retirement systems. The individual purchasing credit must have service credit as a member of the retirement system for at least as many years before retirement as the number of years of credit being purchased.

**169.577. PURCHASE OF ADDITIONAL CREDITABLE SERVICE TO ACHIEVE MINIMUM TIME REQUIRED FOR ALLOWANCE — REQUEST, FORM, PURCHASE, REQUIREMENTS, TERM.** — Any member of a retirement system subject to the provisions of this chapter, who is within five years of being eligible to retire with a retirement allowance as provided in this chapter, may elect to purchase additional creditable service of up to [four-tenths] **five-tenths** of a year which shall, when so purchased, be included in the total of the member's years of creditable service, used to enable the member to achieve the minimum creditable service time required for a retirement allowance, and applied in the computation of the member's annual service retirement allowance. **For any member of a retirement system established by sections 169.010 to 169.141 or 169.600 to 169.715, and notwithstanding any other provision within this section to the contrary, the purchase shall be effected in the same manner as provided in section 169.056.** The request for purchase of the additional creditable service shall be made in writing to the board of trustees of the system in which the applicant is a member. The purchase shall be effected by the member paying to the retirement system the amount required by the rules and regulations established by the respective retirement system, or absent such rules and regulations, the amount, with interest, the member would have contributed thereto and the amount the member's employer would have contributed thereto had the person been employed in a position covered by the retirement system for the number of months for which the member is electing to purchase credit, and had the member's compensation during such period been the same as the annual salary rate at which the member is receiving at the time of application, and the contribution rate in effect on the date of election to purchase credit. The payment [may be made over a period not longer than the period of membership service credit being purchased, measured from the date of election, and] **shall be completed prior to termination of membership with the retirement system** with interest on the unpaid balance. Nothing in this section shall be construed to allow a member to vest in the retirement system by using the creditable service purchased pursuant to the provisions of this section to reach the time of vesting.

**169.590. HEALTH PLANS FOR SCHOOL DISTRICT EMPLOYEES TO INCLUDE RETIREES, FAMILIES OF RETIREES AND SURVIVORS.** — 1. Any insurance contract or plan, including a noninsurance health benefit program, which provides group health insurance or benefits for employees who are members of any retirement system established pursuant to this chapter shall contain provisions that permit:

(1) Any employee who retires, or who has retired, and is receiving or is eligible to receive retirement benefits under this chapter to remain or become a member of the group, including a noninsurance health benefit program, and to receive benefits at the same rate as all other members of the group;

(2) The spouse or surviving spouse of any employee to remain or become a member of the group, including a noninsurance health benefit program, so long as such spouse is receiving or is eligible to receive retirement benefits under this chapter; and

(3) The children or children who survive any employee to remain or become members of the group, including a noninsurance health benefit program, so long as they are receiving or are eligible to receive retirement benefits under this chapter.

2. The plan or contract may provide a different level of coverage for any person electing to remain or become a member of an eligible group, including a noninsurance health benefit program, as provided in subsection 1 of this section if such person is eligible for Medicare under the federal Health Insurance for the Aged Act, 42 U.S.C. 1395, as amended.

3. A person electing to become or remain a member of a group, including a noninsurance health benefit program, under subsection 1 of this section shall pay the premium for such coverage, including the premium for any covered dependents.

4. School districts entering into a contract with an insurance company which provides group health insurance or benefits for employees, including provisions for a noninsurance health benefit program, shall specify that such contract provides coverage for persons who have retired, their spouses and unmarried dependent children and that the enrollment period for such coverage shall be clearly stated for a period of time of not less than thirty days. [Those persons who retired prior to August 28, 1992, shall have one year from that date to qualify for the coverage provided. Those persons who retire after August 28, 1992,] **Employees shall have one year from the date [of retirement to qualify for the coverage provided] last employed by a school district that is subject to coverage pursuant to this section to qualify for the coverage provided.**

5. School districts failing to comply with the provisions of this section shall have deducted from the state aid due such school district an amount equal to the premium for group health insurance, including a noninsurance health benefit program, for those persons denied the benefits required under the provisions of this section.

6. As used in this section, the term "noninsurance health benefit program" includes all group health plans or programs providing coverage on an expense-incurred basis, group service or indemnity type contracts issued by a nonprofit corporation, and all self-insured group health benefit plans or programs, of any type or description.

**169.596. RETIRED TEACHER MAY TEACH FULL TIME WITHOUT LOSS OF RETIREMENT BENEFITS, WHEN — SCHOOL DISTRICT REQUIREMENTS.** — 1. **Notwithstanding any other provision of this chapter to the contrary, a retired certificated teacher receiving a retirement benefit from the retirement system established pursuant to sections 169.010 to 169.141 may, without losing his or her retirement benefit, teach full-time for up to two years for a school district covered by such retirement system; provided that the school district has a shortage of certified teachers, as determined by the school district. The total number of such retired certificated teachers shall not exceed, at any one time, the lesser of ten percent of the total teacher staff for that school district, or five certificated teachers.**

2. **Notwithstanding any other provision of this chapter to the contrary, a person receiving a retirement benefit from the retirement system established pursuant to sections 169.600 to 169.715 may, without losing his or her retirement benefit, be employed full-time**

for up to two years for a school district covered by such retirement system; provided that the school district has a shortage of noncertificated employees, as determined by the school district. The total number of such retired noncertificated employees shall not exceed, at any one time, the lesser of ten percent of the total noncertificated staff for that school district, or five employees.

3. The employer's contribution rate shall be paid by the hiring school district.

4. In order to hire teachers and noncertificated employees pursuant to the provisions of this section, the school district shall:

(1) Show a good faith effort to fill positions with nonretired certificated teachers or nonretired noncertificated employees;

(2) Post the vacancy for at least one month;

(3) Have not offered early retirement incentives for either of the previous two years;

(4) Solicit applications through the local newspaper, other media, or teacher education programs;

(5) Determine there is an insufficient number of eligible applicants for the advertised position; and

(6) Declare a critical shortage of certificated teachers or noncertificated employees that is active for one year.

5. Any person hired pursuant to this section shall be included in the State Director of New Hires for purposes of income and eligibility verification pursuant to 42 U.S.C. Section 1320b-7.

**169.620. CONTRIBUTIONS BY MEMBERS AND EMPLOYERS — RATE — PENALTY FOR FAILURE TO REMIT — BENEFITS TO BE REDUCED, WHEN — PURCHASE OF SERVICE CREDIT, CERTAIN MEMBERS, HOW. —** 1. The funds required for the operation of the retirement system created by sections 169.600 to 169.715 shall come from contributions made in equal amounts by employees as herein defined and their employers, beginning November 1, 1965, and from such interest or income as may be derived from the investment of funds of the system. All contributions shall be transmitted to the board of trustees by employers in such manner and at such times as the board by rule shall require.

2. For each school year following the date on which the system becomes operative, each and every employer of one or more persons who are members of the system shall transmit to the board of trustees, in the manner and accompanied by such supporting data as the board shall prescribe, twice the amount that is deductible from the pay of such employee or employees during the school year. Failure or refusal to transmit such amount as required shall render the person or persons responsible therefor individually liable for twice the amount so withheld. Suits for the recovery of amounts for which individuals are thus rendered liable shall be instituted and prosecuted by the board of trustees in the name of the retirement system. In addition to such civil penalty, and not in lieu thereof, any person or persons made responsible for the remittance of contributions who shall willfully and knowingly fail or refuse to transmit such contributions or any part thereof to the board of trustees shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars and not more than two hundred dollars. Each day such person or persons shall so fail or refuse to transmit such contributions shall be deemed a separate offense. The board of trustees may request the employer to provide the information necessary to administer the system and to advise each member of such member's status.

3. The contributions of members of the retirement system shall be collected by their employers through appropriate deductions from paychecks. The total amount deducted from the paychecks of members during any school year shall equal such a percent of their salary rates as may be required by the contribution rate then in effect. For contribution purposes any annual salary rate less than one thousand two hundred dollars shall be regarded as one thousand two hundred dollars. Contributions transmitted to the retirement system before February 20, 1996,

based on salary rates which either included or excluded employer-paid medical benefits for members, shall be deemed to have been in compliance with this section. The retirement system shall not refund or adjust contributions or adjust benefit determinations with respect to any period before February 20, 1996, solely because of the treatment of employer-paid medical benefits for members. Effective December 31, 1995, compensation in excess of the limitations set forth in Section 401(a)(17) of Title 26 of the United States Code shall be disregarded for purposes of determining contributions pursuant to this section and calculating benefits paid by the nonteacher school employee retirement system of Missouri. The limitation on compensation for eligible employees shall not be less than the amount which was allowed to be taken into account under the system as in effect on July 1, 1993. For the purpose of this subsection, an "eligible employee" is an individual who was a member of the system before July 1, 1996.

4. [The contribution rate shall be three percent of earnings until July 1, 1982.] The board of trustees [is authorized to] **shall fix and certify to the employers** the level rate of contribution[, which shall not exceed five percent, required for the operation of the system and to make adjustments in such rate as may thereafter be necessary; provided that, if the level rate required for the operation of the system shall exceed five percent for five consecutive years, all benefits herein provided shall be equitably reduced to such an extent that the rate required for the operation of the system shall be five percent.] **subject to the following:**

(1) **The level rate of contribution for a fiscal year shall not exceed the level rate of contribution for the prior fiscal year by more than one-quarter percent;**

(2) **The board shall fix and certify to the employers the rate of contribution for a fiscal year no later than six months prior to the date such rate is to be effective;**

(3) **The board shall fix and certify to the employers the rate of contribution for a fiscal year based on an actuarial valuation of the system as of a date not earlier than the last day of the second prior fiscal year. Such actuarial valuation of the system shall be performed using processes and actuarial assumptions that are in accordance with actuarial standards of practice in effect at the time the valuation is performed, as promulgated by the actuarial standards board or its successor; provided that such actuarial valuation shall be based on the entry age normal actuarial cost method and an asset valuation method based on the market value of system assets that may provide for smoothing of investment gains and losses, and further, that the level rate of contribution shall be the total of the normal cost and a rate which shall amortize the unfunded actuarial accrued liability over a period that shall not exceed thirty years from the date of the valuation, subject to the limitations of this subsection; and**

(4) **Not less than once every ten years the board shall have an actuary, other than the actuary performing the actuarial valuation pursuant to this section, review such actuarial valuation and perform an additional actuarial valuation of the system.**

5. Regardless of the provisions of any law governing compensation and contracts, every employee shall be deemed to consent and agree to the deductions provided herein. Payment of salary or compensation less such deduction shall be a full and complete discharge of all salary or compensation claims and demands during the period covered by such payment, except as to the benefits provided pursuant to sections 169.600 to 169.715.

6. A person serving as an employee as defined in section 169.600, who became a member after November 1, 1965, and before July 1, 1974, and who was regularly employed to serve for twenty or more hours per week at some time during the period November 1, 1965, to July 1, 1974, may receive membership service credit for such service by paying into the system the amount, with interest at such rate as may be set by the board within the limits set by law for interest rates, the person would have contributed had the person been eligible for membership.

7. [Any member who rendered service as an employee as defined in section 169.600 for a junior college district at any time between October 31, 1965, and the effective date of an agreement between the junior college and the board of trustees as provided in section 169.600 may elect to purchase membership service credit for that service. The election shall include all

service for which the member is eligible to purchase credit, and shall be made prior to retirement. The purchase shall be effected by the member's paying to the system with interest, and within the time period allowed by law for the election, the contributions which would have been deducted from the employee's salary had the employee been a member during the period or periods of such service, and had the contribution rate in effect at the date of election been in effect at the time the service was rendered. Other provisions of law to the contrary notwithstanding, no membership credit shall be allowed pursuant to the provisions of this section which exceeds in length the member's creditable service for employment rendered after October 31, 1965.] **Notwithstanding any other provision of sections 169.600 to 169.715 to the contrary, no legislation shall be enacted after July 1, 2003, that increases benefits provided to members or retirees of the nonteacher school employee retirement system of Missouri above that which may be funded using a rate of contribution of five percent as determined using an actuarial valuation as provided in subsection 4 of this section; provided that, notwithstanding the provisions of this subsection, legislation may be enacted after July 1, 2003, that provides for an extension of time within which a member may make an election pursuant to subdivision (4) of subsection 1 of section 169.670.**

**169.650. MEMBERSHIP — PRIOR SERVICE CREDIT — REINSTATEMENT — PROCEDURE.**

— 1. On and after October 13, 1965, all employees as defined in section 169.600 of districts included in this retirement system shall be members of the system by virtue of their employment, and all persons who had five years of prior service who were employees of districts included in sections 169.600 to 169.710 during the school year next preceding October 13, 1965, but who ceased to be employees prior to October 13, 1965, because of physical disability, shall be members of this system by virtue of that prior service. Individuals who qualify as independent contractors under the common law and are treated as such by their employer shall not be considered employees for purposes of membership in or contributions to the retirement system.

2. Any member who rendered service prior to November 1, 1965, as an employee as defined in section 169.600 in a district or junior college district included in the system may claim credit for that service by filing with the board of trustees a complete and detailed record of the service for which the credit is claimed, together with such supporting evidence as the board may require for verification of the record. To the extent that the board finds the record correct, it shall credit the claimant with prior service and shall notify the claimant of its decision.

3. Membership shall be terminated by failure of a member to earn any membership service credit as a public school employee under this system for five consecutive school years, by death, withdrawal of contributions, or retirement.

4. If a member withdraws or is refunded the member's contributions, the member shall thereby forfeit any creditable service the member may have; provided, however, if such person again becomes a member of the system, the member may elect prior to retirement to reinstate any creditable service forfeited at the [time of withdrawal or refund] **times of previous withdrawals or refunds**. The reinstatement shall be effected by the member paying to the retirement system, with interest, the amount of accumulated contributions withdrawn by the member or refunded to the member with respect to the service being reinstated. A member may reinstate less than the total service previously forfeited, in accordance with rules promulgated by the board of trustees. The payment [may be made over a period not to exceed the length of the service to be reinstated, beginning from the date of election, or prior to retirement, whichever is earlier, and] **shall be completed prior to termination of membership with the retirement system** with interest on the unpaid balance; provided, however, that if a member is retired on disability before completing such payments, the balance due, with interest, shall be deducted from the member's disability retirement allowance.

5. Any person who is an employee of any statewide nonprofit educational association or organization serving the active membership of the nonteacher school employee retirement system of Missouri and who works at least twenty hours per week on a regular basis in a position which

is not covered by the public school retirement system of Missouri may be a member of the nonteacher school employee retirement system of Missouri. Certificated employees of such statewide nonprofit educational association or organization may not be members of the public school retirement system of Missouri unless such association or organization makes separate application pursuant to subsection 4 of section 169.130. The contributions required to be made by the employee will be deducted from salary and matched by the association or organization.

**169.655. PURCHASE OF MEMBERSHIP CREDIT FOR SERVICE TO ORGANIZATION SUPPORTING EDUCATION OR RESEARCH — LIMITATIONS, REQUIREMENTS — TRANSFER OF FUNDS.** — 1. [Effective January 1, 1997,] Members who have accrued at least one year of membership service credit for employment in a position covered by this [section] **retirement system and who have covered employment with this retirement system following the service for which credit is being purchased** may purchase membership service credit under the circumstances, terms and conditions provided in this section. With respect to each such purchase authorized by this section the following provisions apply:

(1) The purchase shall be effected by the member paying to the retirement system [with interest,] the amount the member would have contributed and the amount the employer would have contributed had such member been an employee for the number of years for which the member is electing to purchase credit, and had the member's compensation during such period been the [same as the annual salary rate at which the member is first employed in a position qualifying for membership in the retirement system after the period being purchased, provided that the cost shall not exceed the actuarial value of the credit being purchased] **highest annual salary rate on record with the retirement system on the date of election to purchase credit**. The contribution rate used in determining the amount to be paid shall be the contribution rate in effect on the date of election to purchase credit[. The interest rate used in determining the amount to be paid shall be the actuarially assumed rate of return on invested funds of the system in effect at the date of election to purchase credit];

(2) [Payment shall be made over a period not longer than the period of membership service credit being purchased, measured from the date of election, and with interest on the unpaid balance;

(3)] Membership service credit purchased pursuant to this section shall be deemed to be membership service as defined in subdivision (10) of section 169.600;

[(4)] (3) An election to purchase membership service credit pursuant to this section and payment for the purchase shall be completed prior to [retirement] **termination of membership with the retirement system with interest on the unpaid balance**;

[(5)] (4) Members may purchase membership service credit in increments of one-tenth of a year, and multiple elections to purchase may be made;

[(6)] (5) Additional terms and conditions applicable to purchases made pursuant to this section including, but not limited to, minimum payments, payment schedules and provisions applicable when a member fails to complete payment may be set by rules of the board.

2. Membership service credit shall not be allowed pursuant to this section **or sections 169.570 and 169.577** which exceeds in length the member's membership service credit for employment in a position covered by this system, and in no event may the member receive membership service credit with both this system and another public retirement [plan, as defined in section 105.660, RSMo,] **system** for the same service.

3. A member who [had rendered service as an employee] **was employed** for at least twenty hours per week [for] **on a regular basis by** a public school district, **public junior college, public community college, public college, or public university, either inside or** outside of this state [including service in a public university or who has rendered service in the University of Missouri or Lincoln University after November 1, 1965], may elect [prior to retirement] to purchase equivalent membership service credit [but not in excess of ten years. An affidavit shall be required stipulating that the member is not presently receiving compensation from another

school employee retirement system and will not receive credit in another system for the creditable time purchased].

4. [(1)] A member who [enters the service of] **has served in** the armed forces of the United States of America **and** who [is an employee in a district included in the system at the time such member is inducted, enlisted or called to active duty, and who without voluntary reenlistment becomes an employee in a district within one year after discharge from such service shall not be subject to the provisions of subsection 3 of section 169.650 with regard to termination of membership due to the period of actual service in the armed forces of the United States. Such a member may elect prior to retirement to purchase membership service credit for the entire period of service in the armed forces of the United States, but not to exceed five years. The purchase may be made only if the member] was discharged or separated from the armed forces by other than a dishonorable discharge].

(2) A member who had served in the armed forces of the United States prior to becoming a member, and who becomes employed in a position qualifying for membership in the retirement system after such member's discharge under honorable conditions] may elect[, prior to retirement,] to purchase membership service credit for the [entire] period of **active duty** service in the armed forces[, but not to exceed five years].

5. Any member granted unpaid maternity or paternity leave for a period, from a position covered by the retirement system, who returned to employment **in such a position**, may elect [prior to retirement] to purchase membership service credit for the period of leave. [No member may purchase more than four years of membership service credit pursuant to this subsection.]

6. Any member who is or was certified as a vocational-technical teacher on the basis of having a college degree or who was required to have a period of work experience of at least two years in the area of the subject being taught in order to qualify for such certification may, upon written application to the board, purchase equivalent membership service credit for such work experience which shall not exceed the two years necessary for certification if the work experience was in the area that the member taught or is teaching and was completed in two years.

7. Any member who had membership service credit with the public school retirement system of Missouri governed by sections 169.010 to 169.141 but which membership service credit was forfeited by withdrawal or refund, may elect [prior to retirement,] to purchase credit for such service [and receive pro rata credit not to exceed a total of ten years in this system for the service]. The public school retirement system of Missouri shall transfer to this system an amount equal to the employer contributions for the forfeited service being purchased, plus interest, which shall be applied to reduce the amount the member would otherwise pay for the purchase, provided that the amount transferred shall not exceed one-half of the purchase cost.

8. A member may elect to purchase membership service credit for service rendered while on leave from an employer, as defined in section 169.600, for a not-for-profit corporation or agency whose primary purpose is support of education or education research[, not to exceed two years] if the member was employed by that organization to serve twenty or more hours per week[, provided the member has returned to service for at least one year as an employee of the employer that granted the leave] **on a regular basis**.

9. A member [having membership service credit in the retirement system provided by sections 169.600 to 169.715, after the member] **who** was employed by a private school [to serve], private junior college, private community college, private college, or private university, either inside or outside of this state, for at least twenty or more hours per week **on a regular basis**, may elect to purchase membership service credit for **such** service rendered [to the private school, but not to exceed three years. As used in this subsection, the term "private school" means a school which is not a part of the public school system of this state and which charges tuition for the rendering of elementary and secondary educational services].

**169.670. BENEFITS, HOW COMPUTED — BENEFICIARY BENEFITS, OPTIONS, ELECTION OF.** — 1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or whose creditable service is thirty years or more regardless of age, shall be the sum of the following items:

(1) For each year of membership service, one and sixty-one hundredths percent of the member's final average salary;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service;

(3) Eighty-five one-hundredths of one percent of any amount by which the member's average compensation for services rendered prior to July 1, 1973, exceeds the average monthly compensation on which federal Social Security taxes were paid during the period over which such average compensation was computed, for each year of membership service credit for services rendered prior to July 1, 1973, plus six-tenths of the amount payable for a year of membership service for each year of prior service credit;

(4) In lieu of the retirement allowance otherwise provided by subdivisions (1) to (3) of this subsection, between July 1, 2001, and July 1, [2003] **2008**, a member may elect to receive a retirement allowance of:

(a) One and fifty-nine hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-nine years or more but less than thirty years and the member has not attained the age of fifty-five;

(b) One and fifty-seven hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-eight years or more but less than twenty-nine years, and the member has not attained the age of fifty-five;

(c) One and fifty-five hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-seven years or more but less than twenty-eight years and the member has not attained the age of fifty-five;

(d) One and fifty-three hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-six years or more but less than twenty-seven years and the member has not attained the age of fifty-five;

(e) One and fifty-one hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-five years or more but less than twenty-six years and the member has not attained the age of fifty-five; and

(5) In addition to the retirement allowance provided in subdivisions (1) to (3) of this subsection, a member retiring on or after July 1, 2001, whose creditable service is thirty years or more or whose sum of age and creditable service is eighty years or more, shall receive a temporary retirement allowance equivalent to eight-tenths of one percent of the member's final average salary multiplied by the member's years of service until such time as the member reaches the minimum age for Social Security retirement benefits.

2. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases five percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by five percent of the amount being received by the retired member or the beneficiary at the time the annual increase is granted by the board; provided that, the increase provided in this subsection shall not become effective until the fourth January first following a member's retirement or January 1, 1982, whichever occurs later, and the total of the increases granted to a retired member or the beneficiary after December 31, 1981, may not exceed eighty percent of the retirement allowance established at retirement or as previously adjusted by other provisions of law. If the cost of living increases less than five percent, the board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed five percent per year. If the cost of living decreases in a fiscal year, there will be no increase in allowances for retired members on the following January first.

3. The board of trustees may reduce the amounts which have been granted as increases to a member pursuant to subsection 2 of this section if the cost of living, as determined by the board and as measured by generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; provided that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1981.

4. (1) In lieu of the retirement allowance provided in subsection 1 of this section, called "option 1", a member whose creditable service is twenty-five years or more or who has attained age fifty-five with five or more years of creditable service may elect, in the application for retirement, to receive the actuarial equivalent of the member's retirement allowance in reduced monthly payments for life during retirement with the provision that:

Option 2. Upon the member's death, the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member as the member shall have nominated in the member's election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 3. Upon the death of the member three-fourths of the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 4. Upon the death of the member one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance shall be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 5. Upon the death of the member prior to the member having received one hundred twenty monthly payments of the member's reduced allowance, the remainder of the one hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the one hundred twenty monthly payments, the reserve for the remainder of such one hundred twenty monthly payments shall be paid to the estate of the last person to receive a monthly allowance;

OR

Option 6. Upon the death of the member prior to the member having received sixty monthly payments of the member's reduced allowance, the remainder of the sixty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the sixty monthly payments, the reserve for the remainder of such sixty monthly payments shall be paid to the estate of the last person to receive a monthly allowance;

OR

Option 7. A plan of variable monthly benefit payments which provides, in conjunction with the member's retirement benefits under the federal Social Security laws, level or near-level retirement benefit payments to the member for life during retirement, and if authorized, to an appropriate beneficiary designated by the member. Such a plan shall be actuarially equivalent

to the retirement allowance under option 1 and shall be available for election only if established by the board of trustees under duly adopted rules.

(2) The election of an option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective. If either the member or the person nominated dies before the effective date of retirement, the option shall not be effective, provided that:

(a) If the member or a person retired on disability retirement dies after attaining age fifty-five and acquiring five or more years of creditable service or after acquiring twenty-five or more years of creditable service and before retirement, except retirement with disability benefits, and the person named by the member as the member's primary beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either survivorship payments under option 2 or a payment of the member's accumulated contributions. If survivorship benefits under option 2 are elected and the member at the time of death would have been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated beneficiary may further elect to defer the option 2 payments until the date the member would have been eligible to receive the retirement allowance provided in subsection 1 of this section.

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the person named as the primary beneficiary has an insurable interest in the life of the deceased member or disability retiree, the designated beneficiary may elect to receive either a payment of the person's accumulated contributions, or survivorship benefits under option 2 to begin on the date the member would first have been eligible to receive an actuarial equivalent of the person's retirement allowance, or to begin on the date the member would first have been eligible to receive the retirement allowance provided in subsection 1 of this section.

5. If the total of the retirement allowances paid to an individual before the person's death is less than the person's accumulated contributions at the time of the person's retirement, the difference shall be paid to the person's beneficiary or to the person's estate; provided, however, that if an optional benefit, as provided in option 2, 3 or 4 in subsection 4, had been elected and the beneficiary dies after receiving the optional benefit, then, if the total retirement allowances paid to the retired individual and the individual's beneficiary are less than the total of the contributions, the difference shall be paid to the estate of the beneficiary unless the retired individual designates a different recipient with the board at or after retirement.

6. If a member dies before receiving a retirement allowance, the member's accumulated contributions at the time of the member's death shall be paid to the member's beneficiary or to the member's estate, if there be no beneficiary; provided, however, that no such payment shall be made if the beneficiary elects option 2 in subsection 4 of this section, unless the beneficiary dies before having received benefits pursuant to that subsection equal to the accumulated contributions of the member, in which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that subsection shall be paid to the estate of the beneficiary.

7. If a member ceases to be an employee as defined in section 169.600 and certifies to the board of trustees that such cessation is permanent or if the person's membership is otherwise terminated, the person shall be paid the person's accumulated contributions with interest.

8. Notwithstanding any provisions of sections 169.600 to 169.715 to the contrary, if a member ceases to be an employee as defined in section 169.600 after acquiring five or more years of creditable service, the member may, at the option of the member, leave the member's contributions with the retirement system and claim a retirement allowance any time after the member reaches the minimum age for voluntary retirement. When the member's claim is presented to the board, the member shall be granted an allowance as provided in sections 169.600 to 169.715 on the basis of the member's age and years of service.

9. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which the member's creditable service would entitle the member if the member's age were sixty.

10. Notwithstanding any provisions of sections 169.600 to 169.715 to the contrary, any member who is a member prior to October 13, 1969, may elect to have the member's retirement allowance computed in accordance with sections 169.600 to 169.715 as they existed prior to October 13, 1969.

11. Any application for retirement shall include a sworn statement by the member certifying that the spouse of the member at the time the application was completed was aware of the application and the plan of retirement elected in the application.

12. Notwithstanding any other provision of law, any person retired prior to August 14, 1984, who is receiving a reduced retirement allowance under option 1 or 2 of subsection 4 of this section, as the option existed prior to August 14, 1984, and whose beneficiary nominated to receive continued retirement allowance payments under the elected option dies or has died, shall upon application to the board of trustees have the person's retirement allowance increased to the amount the person would have been receiving had the person not elected the option, actuarially adjusted to recognize any excessive benefits which would have been paid to the person up to the time of the application.

13. Benefits paid pursuant to the provisions of the nonteacher school employee retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code.

14. Any member who has retired prior to July 1, 1999, and the designated beneficiary of a deceased retired member upon request shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging. As compensation for such duties the person shall receive a payment equivalent to seven and four-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2 and 3 of this section for the purposes of the limit on the total amount of increases which may be received.

15. Any member who has retired prior to July 1, 2000, and the designated beneficiary of a deceased retired member upon request shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging. As compensation for such duties the person shall receive a payment equivalent to three and four-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2 and 3 of this section for the purposes of the limit on the total amount of increases which may be received.

16. Any member who has retired prior to July 1, 2001, and the designated beneficiary of a deceased retired member upon request shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging. As compensation for such duties the person shall receive a payment equivalent to seven and one-tenth percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2 and 3 of this section for the purposes of the limit on the total amount of increases which may be received.

**169.673. PARTIAL LUMP SUM DISTRIBUTION, WHEN — CHANGES IN DISTRIBUTION AMOUNT, FORMULA — DEATH, EFFECT OF. — 1. Any member eligible for a retirement allowance pursuant to section 169.670 and who has not previously received a retirement allowance, including an allowance under disability retirement, pursuant to section 169.670, and whose sum of age and creditable service equals eighty-six years or more or whose creditable service is thirty-three years or more or whose age is sixty-three years or more**

and has eight years or more creditable service may elect a distribution under the partial lump sum option plan provided in this section if the member notifies the retirement system on the application for retirement of the member's effective date of retirement; provided that the partial lump sum option plan may not be elected if the member elects a retirement allowance under option 7 of subdivision (1) of subsection 4 of section 169.670.

2. A member entitled to make an election pursuant to this section may elect to receive a lump sum distribution in addition to the member's monthly retirement allowance payment pursuant to section 169.670 as reduced pursuant to this section. Such member may elect the amount of the member's lump sum distribution from one, but not more than one, of the following options:

(1) A lump sum amount equal to twelve times the retirement allowance, less any temporary retirement allowance payable pursuant to subdivision (5) of subsection 1 of section 169.670, the member would receive if no election were made under this section and the member had chosen option 1 under section 169.670;

(2) A lump sum amount equal to twenty-four times the retirement allowance, less any temporary retirement allowance payable pursuant to subdivision (5) of subsection 1 of section 169.670, the member would receive if no election were made pursuant to this section and the member had chosen option 1 under section 169.670; or

(3) A lump sum amount equal to thirty-six times the retirement allowance, less any temporary retirement allowance payable pursuant to subdivision (5) of subsection 1 of section 169.670, the member would receive if no election were made pursuant to this section and the member had chosen option 1 under section 169.670.

3. When a member makes an election to receive a lump sum distribution pursuant to this section, the retirement allowance that the member would have received in the absence of the election shall be reduced on an actuarially equivalent basis to reflect the payment of the lump sum distribution and the reduced retirement allowance shall be the member's retirement allowance thereafter for all purposes in relation to retirement allowance amounts pursuant to section 169.670. If eligible, the member may also receive a temporary benefit, pursuant to subdivision (5) of subsection 1 of section 169.670, for the period of time described therein. A retirement allowance increased due to the death of a person nominated by the member to receive benefits pursuant to the provisions of option 2, 3, or 4 of subsection 4 of section 169.670 shall be increased pursuant to such provisions to the amount the retired member would be receiving had the retired member elected option 1 as actuarially reduced due to the lump sum distribution made pursuant to this section. Any payment of accumulated contributions pursuant to the provisions of sections 169.600 to 169.715 shall be reduced by the amount of any lump sum distribution made pursuant to this section in addition to any other reductions required by sections 169.600 to 169.715.

4. If the member dies before receiving a lump-sum distribution under this section the lump-sum distribution shall be paid in accordance with rules adopted by the board of trustees.

5. Benefits paid pursuant to this section in addition to all other provisions of the nonteacher school employee retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code except as provided in subsection 13 of section 169.670.

**169.712. TRANSFER TO PUBLIC SCHOOL RETIREMENT SYSTEM, CERTAIN NONTACHER EMPLOYEES, PROCEDURE.** — 1. Notwithstanding any provision of law to the contrary, any person duly certificated under the law governing the certification of teachers in Missouri who, after August 28, 1997, is first employed in a position which would otherwise qualify the person for membership in the nonteacher school employee retirement system pursuant to the provisions of sections 169.600 to 169.710 shall be a member of the public school retirement system

pursuant to the provisions of sections 169.010 to 169.141, and shall receive creditable service on a pro rata basis in that system for subsequent certificated services which would otherwise have been creditable in the nonteacher school employee retirement system. Any such person shall have the option of being a member of the nonteacher school employee retirement system. The option election must be filed with the board of trustees of the public school retirement system within ninety days of first such employment following August 28, 1997.

**2. Notwithstanding any provision of law to the contrary, any person duly certificated under the law governing the certification of teachers in Missouri who, on or after August 28, 2003, is employed by a public school, as defined in section 169.010, for at least seventeen but less than twenty hours per week on a regular basis shall be a member of the public school retirement system pursuant to the provisions of sections 169.010 to 169.141, and shall receive creditable service on a pro rata basis in that system. Any such person shall have the option of being a member of the nonteacher school employee retirement system. The option election must be filed with the board of trustees of the public school retirement system within ninety days of first such employment or within ninety days of August 28, 2003, whichever later occurs.**

**3. Any person who is a member of the public school retirement system or the nonteacher school employee retirement system pursuant to subsection 2 of this section may purchase credit in such system for service after August 28, 1991, that would have qualified such person for membership in either retirement system pursuant to subsection 2 of this section had such subsection been in effect prior to August 28, 2003; provided that such purchase of credit in the public school retirement system shall be subject to the provisions of section 169.056 and such purchase of credit in the nonteacher school employee retirement system shall be subject to the provisions of section 169.655.**

**SECTION B. EMERGENCY CLAUSE.** — Because the provisions of sections 169.070 and 169.670 will expire June 30, 2003, the repeal and reenactment of sections 169.070 and 169.670 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 169.070 and 169.670 of this act shall be in full force and effect upon its passage and approval or July 1, 2003, whichever later occurs.

Approved June 26, 2003

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## HB 348 [HCS HB 348 & 347]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### **Revises Local Government Employees' Retirement System.**

AN ACT to repeal sections 70.660 and 70.686, RSMo, and to enact in lieu thereof two new sections relating to local government employees' retirement system.

#### **SECTION**

A. Enacting clause.

70.660. Optional retirement, election, when made — benefits, how computed — death of beneficiary, effect (member and beneficiary).

70.686. Retirant becoming reemployed in the system, effect of.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

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**SECTION A. ENACTING CLAUSE.** — Sections 70.660 and 70.686, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 70.660 and 70.686, to read as follows:

**70.660. OPTIONAL RETIREMENT, ELECTION, WHEN MADE — BENEFITS, HOW COMPUTED — DEATH OF BENEFICIARY, EFFECT (MEMBER AND BENEFICIARY).** — 1. **Except as otherwise provided herein,** before the date the first payment of a person's allowance becomes due but not thereafter, a person about to become a retirant may elect to [have] **receive** his or her allowance for life [reduced but not any temporary allowance which may be payable, and nominate a beneficiary, as provided by option A or option B or option C or option D set forth below] **with or without a partial lump-sum distribution, as provided in this subsection.** A person about to become a retirant may elect to receive a partial lump-sum distribution equal to twenty-four times the amount of his or her monthly allowance for life, not including any monthly temporary allowance which may be payable. Such lump sum shall be paid to the retirant, upon written application to the board, not fewer than ninety days nor more than one hundred fifty days after the date the first payment of his or her monthly allowance becomes due. The retirant's monthly life allowance shall be reduced to eighty-four percent if the retirant's age at the time of retirement is sixty, which percent shall be decreased by four-tenths of one percent for each year the retirant's age at the time of retirement is greater than sixty, or which percent shall be increased by four-tenths of one percent for each year the retirant's age at the time of retirement is less than sixty. The reductions in monthly life allowance in this subsection shall be calculated and applied before any reductions under subsection 2 of this section are calculated and applied.

2. Before the date the first payment of a person's allowance becomes due but not thereafter, a person about to become a retirant may elect to have his or her allowance for life reduced but not any temporary allowance which may be payable, and nominate a beneficiary, as provided by option A, B, C, or D set forth below:

(1) Option A. Under option A, a retirant's allowance payable to the retirant shall be reduced to a certain percent of the allowance otherwise payable to the retirant. [If such first payment due date is before October 1, 1998, such percent shall be eighty percent if the retirant's age and the retirant's beneficiary's age are the same on such first due date, which shall be decreased by three-quarters of one percent for each year that the beneficiary's age is less than the retirant's age, or which shall be increased by three-quarters of one percent, up to a maximum of ninety percent, for each year that the beneficiary's age is more than the retirant's age.] If such first payment due date is on or after October 1, 1998, such percent shall be eighty-five percent if the retirant's age and the retirant's beneficiary's age are the same on such first due date, which shall be decreased by three-quarters of one percent for each year that the beneficiary's age is less than the retirant's age, or which shall be increased by three-quarters of one percent, up to a maximum of ninety percent, for each year that the beneficiary's age is more than the retirant's age. Upon the retirant's death three-quarters of the retirant's reduced allowance to which the retirant would have been entitled had the retirant lived shall be paid to his or her surviving beneficiary, nominated before such first payment due date but not thereafter, who was the retirant's spouse for not less than the two years immediately preceding such first payment due date, or another person aged forty years or older receiving more than one-half support from the retirant for not less than the two years immediately preceding such first payment due date.

(2) Option B. Under option B, a retirant's allowance payable to the retirant shall be reduced to a certain percent of the allowance otherwise payable to the retirant. [If such first payment due date is before October 1, 1998, such percent shall be eighty-five percent if the retirant's age and the retirant's beneficiary's age are the same on such first payment due date, which shall be decreased by one-half of one percent for each year that the beneficiary's age is less than the retirant's age, or which shall be increased by one-half of one percent, up to a maximum of ninety-

five percent, for each year that the beneficiary's age is more than the retirant's age.] If such first payment due date is on or after October 1, 1998, such percent shall be ninety percent if the retirant's age and the retirant's beneficiary's age are the same on such first payment due date, which shall be decreased by one-half of one percent for each year that the beneficiary's age is less than the retirant's age, or which shall be increased by one-half of one percent, up to a maximum of ninety-five percent for each year that the beneficiary's age is more than the retirant's age. Upon the retirant's death one-half of his or her reduced allowance to which the retirant would have been entitled had the retirant lived shall be paid to the retirant's surviving beneficiary, nominated before such first payment due date but not thereafter, who was either the retirant's spouse for not less than the two years immediately preceding such first payment due date, or another person aged forty years or older receiving more than one-half support from the retirant for not less than the two years immediately preceding such first payment due date.

(3) Option C. Under option C, a retirant's allowance payable to the retirant shall be reduced to [ninety percent of the allowance otherwise payable to the retirant if such first payment due date is before October 1, 1998, or] ninety-five percent of the allowance otherwise payable to the retirant if such first payment due date is on or after October 1, 1998. If the retirant dies before having received one hundred twenty monthly payments of his or her reduced allowance, his or her reduced allowance to which the retirant would have been entitled had the retirant lived shall be paid for the remainder of the one hundred twenty months' period to such person as the retirant shall have nominated by written designation duly executed and filed with the board. If there is no such beneficiary surviving the retirant, the reserve for such allowance for the remainder of such one hundred twenty months' period shall be paid to the retirant's estate.

(4) Option D. Some other option approved by the board which shall be the actuarial equivalent of the allowance to which the member is entitled under this system.

[2.] **3.** The death of the beneficiary **designated under option A or B of subsection 2 of this section** before the death of the retirant after retirement shall, [at the written election of the retirant,] **upon written notification to the system of the death of the beneficiary**, cancel any optional plan elected at retirement to provide continuing lifetime benefits to the beneficiary and shall return the retirant to his or her single lifetime benefit equivalent, to be effective the month following receipt of the [retirant's election to cancel] **written notification of the death of the beneficiary** by the system.

[3.] **4.** If a member fails to elect [an] **a benefit option under subsection 2 of this section**, his or her allowance for life shall be paid to the member as a single lifetime benefit.

**70.686. RETIRANT BECOMING REEMPLOYED IN THE SYSTEM, EFFECT OF.** — [If a retirant becomes employed in a position covered by the system, such retirant shall forfeit one monthly allowance payment for each calendar month in which the retirant renders any such employment; except that, the retirant shall be considered a reemployed member with contributions due immediately in accordance with sections 70.705 and 70.710. Such period of reemployment shall be for a minimum of one year of continuous membership service before the retirant shall receive any additional allowance. Any reemployed retirant who has one or more years of membership service after reemployment and later retires shall receive an additional allowance calculated to include only the membership service and the average compensation earned by the member since reemployment, if such employment is less than the period described in section 70.656. In either event, the original allowance and the additional allowance, if any, shall become effective after making application in accordance with section 70.645. If the retirant retired pursuant to section 70.680, the provisions of section 70.680 shall apply.]

**1. If a retirant becomes reemployed in a position covered by the system by a political subdivision from which he or she is receiving a retirement allowance, such retirant shall forfeit one monthly benefit allowance for each calendar month in which the retirant renders service in connection with such reemployment.**

2. If a retirant becomes employed in a position covered by the system by a political subdivision from which he or she is not receiving a retirement allowance, such retirant shall continue to receive his or her retirement allowance during such period of employment.

3. A retirant who becomes employed by any participating political subdivision shall be considered a reemployed member with contributions due immediately in accordance with sections 70.705, 70.710, and 70.720. Such period of employment shall be for a minimum of one year of continuous membership service before the retirant shall receive any additional allowance.

4. Any reemployed member who has one or more years of membership service after reemployment and later retires shall receive an additional allowance calculated to include only the membership service and the average compensation earned by the reemployed member since reemployment, if such employment is less than the period described in section 70.656. In either event, the original allowance and the additional allowance, if any, shall become effective after a written application is submitted in accordance with section 70.645.

5. Notwithstanding any provision of this section to the contrary, if the retirant retired pursuant to section 70.680, the provisions of section 70.680 shall apply.

Approved July 3, 2003

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## HB 351 [HB 351]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### Changes qualifications for directors of certain industrial development corporations.

AN ACT to repeal section 349.045, RSMo, and to enact in lieu thereof one new section relating to boards of directors for industrial development corporations.

#### SECTION

A. Enacting clause.

349.045. Board of directors, qualifications, appointment, terms.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 349.045, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 349.045, to read as follows:

**349.045. BOARD OF DIRECTORS, QUALIFICATIONS, APPOINTMENT, TERMS.** — The corporation shall have a board of directors in which all the powers of the corporation shall be vested and which shall consist of any number of directors, not less than five, all of whom shall be duly qualified electors of and taxpayers in the county or municipality; **except that, for any industrial development corporation formed by any municipality located wholly within any county of the third or fourth classification, directors may be qualified taxpayers in and registered voters of such county.** The directors shall serve as such without compensation except that they shall be reimbursed for their actual expenses incurred in and about the performance of their duties hereunder. The directors shall be resident taxpayers for [five years] **at least one year** immediately prior to their appointment. No director shall be an officer or employee of the county or municipality. All directors shall be appointed by the chief executive

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officer of the county or municipality with the advice and consent of a majority of the governing body of the county or municipality, and in all counties, other than a city not within a county and [first class] counties [under] **with** a charter form of government, the appointments shall be made by the county commission and they shall be so appointed that they shall hold office for staggered terms. At the time of the appointment of the first board of directors the governing body of the municipality or county shall divide the directors into three groups containing as nearly equal whole numbers as may be possible. The first term of the directors included in the first group shall be two years, the first term of the directors included in the second group shall be four years, the first term of the directors in the third group shall be six years; provided, that if at the expiration of any term of office of any director a successor thereto shall not have been appointed, then the director whose term of office shall have expired shall continue to hold office until [his] **a** successor shall be appointed by the chief executive officer of the county or municipality with the advice and consent of a majority of the governing body of the county or municipality. The successors shall be resident taxpayers for [five years] **at least one year** immediately prior to their appointment.

Approved June 19, 2003

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#### HB 356 [HCS HB 356]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Allows products made by youths in facilities and programs operated by the Division of Youth Services to be sold at cost.**

AN ACT to amend chapter 219, RSMo, by adding thereto one new section relating to the sale of products made by youth in the custody of the division of youth services.

#### SECTION

- A. Enacting clause.
- 219.023. Youth services product fund created for supplies of materials used in making products sold by youth in custody of division of youth services.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 219, RSMo, is amended by adding thereto one new section, to be known as section 219.023, to read as follows:

**219.023. YOUTH SERVICES PRODUCT FUND CREATED FOR SUPPLIES OF MATERIALS USED IN MAKING PRODUCTS SOLD BY YOUTH IN CUSTODY OF DIVISION OF YOUTH SERVICES.** — Any products made by youth in a program or facility established by the division of youth services pursuant to section 219.021 which are suitable for sale may be offered for sale to the public by the division at a price not to exceed one hundred ten percent of the actual cost of supplies and materials used in making such products. Any proceeds received by the division from the sale of products pursuant to this section shall be deposited in the "Youth Services Products Fund" which is hereby established in the state treasury. Moneys in the fund shall be used solely to replenish the supply of materials used in making such products.

Approved June 26, 2003

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## HB 358 [HB 358]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Provides for reinstatement of lapsed barbers' licenses.**

AN ACT to repeal section 328.110, RSMo, and to enact in lieu thereof one new section relating to barbers' licenses.

SECTION

A. Enacting clause.

328.110. Application for renewal certificate — fees.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 328.110, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 328.110, to read as follows:

**328.110. APPLICATION FOR RENEWAL CERTIFICATE — FEES.** — 1. Every person engaged in barbering shall on or before the renewal date apply for the renewal of his **or her** certificate of registration.

2. Each application for renewal shall state the number of applicant's expiring certificate, and be accompanied by his **or her** renewal fee. Any person holding a certificate of registration as a barber, except as herein provided, who fails to apply for renewal within two months of the expiration date of his **or her** certificate of registration, shall pay a reinstatement fee in addition to the regular registration renewal fee. Any person who fails to renew his **or her** certificate of registration, except as herein provided, for a period not exceeding two years may reinstate his **or her** certificate of registration upon payment of the registration renewal fee for each delinquent year in addition to the reinstatement fee prescribed herein, but any barber, except as herein provided, who fails to renew his **or her** certificate of registration for a period exceeding two years **but less than five years** and desires to be reregistered as a barber in this state will be required to appear before the board and pass [a satisfactory] **the practicum portion of the state licensing** examination as to his **or her** qualifications to practice barbering and shall pay the barber examination fee.

3. A holder of a certificate of registration who has been honorably discharged from the United States armed forces, and has not renewed his **or her** certificate of registration as herein provided, shall, upon his **or her** return to barbering within one year from date of honorable discharge, pay one dollar for renewal of same.

Approved July 10, 2003

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## HB 371 [SCS HCS HB 371]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Revises the law on hazardous waster carriers.**

AN ACT to repeal sections 302.700, 307.177, and 307.400, RSMo, and to enact in lieu thereof three new sections relating to commercial motor vehicles, with penalty provisions.

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## SECTION

- A. Enacting clause.
- 302.700. Citation of law — definitions.
- 307.177. Transporting hazardous materials, equipment required — federal physical requirements not applicable, when — violations, penalty.
- 307.400. Commercial vehicles, equipment and operation, regulations, exceptions — department of public safety, rules, procedure, this chapter.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 302.700, 307.177, and 307.400, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 302.700, 307.177, and 307.400, to read as follows:

**302.700. CITATION OF LAW — DEFINITIONS.** — 1. Sections 302.700 to 302.780 may be cited as the "Uniform Commercial Driver's License Act".

2. When used in sections 302.700 to 302.780, the following words and phrases mean:

- (1) "Alcohol", any substance containing any form of alcohol, including, but not limited to, ethanol, methanol, propanol and isopropanol;
- (2) "Alcohol concentration", the number of grams of alcohol per one hundred milliliters of blood or the number of grams of alcohol per two hundred ten liters of breath or the number of grams of alcohol per sixty-seven milliliters of urine;
- (3) "Commercial driver's instruction permit", a permit issued pursuant to section 302.720;
- (4) "Commercial driver's license", a license issued by this state to an individual which authorizes the individual to operate a commercial motor vehicle;
- (5) "Commercial driver's license information system", the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers;
- (6) "Commercial motor vehicle", a motor vehicle designed or used to transport passengers or property:
  - (a) If the vehicle has a gross combination weight rating of twenty-six thousand one or more pounds inclusive of a towed unit which has a gross vehicle weight rating of ten thousand one pounds or more;
  - (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand one or more pounds or such lesser rating as determined by federal regulation;
  - (c) If the vehicle is designed to transport more than fifteen passengers, including the driver;or
- (d) If the vehicle is transporting hazardous materials and is required to be placarded under the Hazardous Materials Transportation Act (46 U.S.C. 1801 et seq.);
- (7) "Controlled substance", any substance so classified under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), and includes all substances listed in schedules I through V of 21 CFR part 1308, as they may be revised from time to time;
- (8) "Conviction", an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative proceeding, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or prorated;
- (9) "Director", the director of revenue or his authorized representative;
- (10) "Disqualification", a withdrawal of the privilege to drive a commercial motor vehicle;
- (11) "Drive", to drive, operate or be in physical control of a commercial motor vehicle;
- (12) "Driver", any person who drives, operates, or is in physical control of a commercial motor vehicle, or who is required to hold a commercial driver's license;

(13) "Driving under the influence of alcohol", the commission of any one or more of the following acts in a commercial motor vehicle:

(a) Driving a commercial motor vehicle with the alcohol concentration of four one-hundredths of a percent or more as prescribed by the secretary or such other alcohol concentration as may be later determined by the secretary by regulation;

(b) Driving while intoxicated in violation of any federal or state law, or in violation of a county or municipal ordinance;

(c) Driving with excessive blood alcohol content in violation of any federal or state law, or in violation of a county or municipal ordinance;

(d) Refusing to submit to a chemical test in violation of section 577.041, RSMo, section 302.750, any federal or state law, or a county or municipal ordinance; or

(e) Having any state, county or municipal alcohol-related enforcement contact, as defined in subsection 3 of section 302.525;

(14) "Driving under the influence of a controlled substance", the commission of any one or more of the following acts in a commercial motor vehicle:

(a) Driving a commercial motor vehicle while under the influence of any substance so classified under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), including any substance listed in schedules I through V of 21 CFR part 1308, as they may be revised from time to time;

(b) Driving a commercial motor vehicle while in a drugged condition in violation of any federal or state law or in violation of a county or municipal ordinance; or

(c) Refusing to submit to a chemical test in violation of section 577.041, RSMo, section 302.750, any federal or state law, or a county or municipal ordinance;

(15) "Employer", any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to operate such a vehicle;

(16) "Farm vehicle", a commercial motor vehicle controlled and operated by a farmer used exclusively for the transportation of agricultural products, farm machinery, farm supplies, or a combination of these, within one hundred fifty miles of the farm, other than one which requires placarding for hazardous materials as defined in this section, or used in the operation of a common or contract motor carrier, except that a farm vehicle shall not be a commercial motor vehicle when the total combined gross weight rating does not exceed twenty-six thousand one pounds when transporting fertilizers as defined in subdivision (19) of this subsection;

(17) "Felony", any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one year;

(18) **"Gross combination weight rating" or "GCWR", the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon;**

(19) "Gross vehicle weight rating" or "GVWR", the value specified by the manufacturer [or manufacturers] as the [maximum] loaded weight of a single [or a combination] vehicle[, or registered gross weight, whichever is greater. The GVWR of a combination vehicle, commonly referred to as the "gross combination weight rating" or "GCWR", is the GVWR of the power unit plus the GVWR of the towed unit or units];

[(19)] (20) "Hazardous materials", hazardous materials as specified in section 103 of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.). Fertilizers, including but not limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel shall not be considered hazardous materials when transported by a farm vehicle provided all other provisions of this definition are followed;

[(20)] (21) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks;

[(21)] (22) "Out of service", a temporary prohibition against the operation of a commercial motor vehicle by a particular driver, or the operation of a particular commercial motor vehicle, or the operation of a particular motor carrier;

[(22)] (23) "Out-of-service order", a declaration by the Federal Highway Administration, or any authorized enforcement officer of a federal, state, Commonwealth of Puerto Rico, Canadian, Mexican or any local jurisdiction, that a driver, or a commercial motor vehicle, or a motor carrier operation, is out of service;

[(23)] (24) "Secretary", the Secretary of Transportation of the United States;

[(24)] (25) "Serious traffic violation", driving a commercial motor vehicle in such a manner that the driver receives a conviction for:

(a) Excessive speeding, as defined by the secretary by regulation;

(b) Careless, reckless or imprudent driving which includes, but shall not be limited to, any violation of section 304.016, RSMo, any violation of section 304.010, RSMo, or any other violation of state law, or any county or municipal ordinance while driving a commercial motor vehicle in a willful or wanton disregard for the safety of persons or property, or improper or erratic traffic lane changes, or following the vehicle ahead too closely, but shall not include careless and imprudent driving by excessive speed;

(c) A violation of any state law or county or municipal ordinance regulating the operation of motor vehicles arising out of an accident or collision which resulted in death to any person, other than a parking violation; or

(d) Any other violation of a state law or county or municipal ordinance regulating the operation of motor vehicles, other than a parking violation, as prescribed by the secretary by regulation;

[(25)] (26) "State", a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Mexico, and any province of Canada;

[(26)] (27) "United States", the fifty states and the District of Columbia.

**307.177. TRANSPORTING HAZARDOUS MATERIALS, EQUIPMENT REQUIRED — FEDERAL PHYSICAL REQUIREMENTS NOT APPLICABLE, WHEN — VIOLATIONS, PENALTY.** — 1. It is unlawful for any person to operate any bus, truck, truck-tractor and trailer combination, or other commercial motor vehicle and trailer upon any highway of this state, whether intrastate transportation or interstate transportation, [transporting materials defined and classified as hazardous by the United States Department of Transportation pursuant to Title 49 of the Code of Federal Regulations,] **unless such transportation is conducted in accordance with the hazardous material regulations established by the United States Department of Transportation pursuant to Title 49, Code of Federal Regulations,** as such regulations have been and may periodically be amended[, unless such vehicle is equipped with the equipment required by and be operated in accordance with safety and hazardous materials regulations for such vehicles as adopted by the United States Department of Transportation].

2. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part 391, Subpart E, Title 49, Code of Federal Regulations, relating to the physical requirements of drivers shall not be applicable to drivers in intrastate commerce, provided such drivers were licensed by this state as chauffeurs to operate commercial motor vehicles on May 13, 1988.

3. Failure to comply with the requirements of this section may result in the commercial motor vehicle and trailer and driver of such vehicle and trailer being placed out of service. Criteria used for placing drivers and vehicles out of service are the North American Uniform Out-of-Service Criteria adopted by the Commercial Vehicle Safety Alliance and the United States Department of Transportation, as such criteria have been and may periodically be amended.

4. Violation of this section shall be deemed a class A misdemeanor.

**307.400. COMMERCIAL VEHICLES, EQUIPMENT AND OPERATION, REGULATIONS, EXCEPTIONS — DEPARTMENT OF PUBLIC SAFETY, RULES, PROCEDURE, THIS CHAPTER. —**

1. It is unlawful for any person to operate any commercial motor vehicle [licensed for more than twelve thousand pounds] **as defined in Title 49, Code of Federal Regulations, Part 390.5**, either singly or in combination with a trailer, as both vehicles are defined in [section 301.010, RSMo.] **Title 49, Code of Federal Regulations, Part 390.5**, unless such vehicles are equipped and operated as required by Parts 390 through 397, Title 49, Code of Federal Regulations, as such regulations have been and may periodically be amended, whether intrastate transportation or interstate transportation. Members of the Missouri state highway patrol are authorized to enter the cargo area of a commercial motor vehicle or trailer to inspect the contents when reasonable grounds exist to cause belief that the vehicle is transporting hazardous materials as defined by Title 49 of the Code of Federal Regulations. The director of the department of public safety is hereby authorized to further regulate the safety of commercial motor vehicles and trailers as he deems necessary to govern and control their operation on the public highways of this state by promulgating and publishing rules and regulations consistent with this chapter. Any such rules shall, in addition to any other provisions deemed necessary by the director, require:

(1) Every commercial motor vehicle and trailer and all parts thereof to be maintained in a safe condition at all times;

(2) Accidents arising from or in connection with the operation of commercial motor vehicles and trailers to be reported to the department of public safety in such detail and in such manner as the director may require.

Except for the provisions of subdivisions (1) and (2) of this subsection, the provisions of this section shall not apply to any commercial motor vehicle operated in intrastate commerce and licensed for a gross weight of sixty thousand pounds or less when used exclusively for the transportation of solid waste or forty-two thousand pounds or less when the license plate has been designated for farm use by the letter "F" as authorized by the Revised Statutes of Missouri, unless such vehicle is transporting hazardous materials as defined in Title 49, Code of Federal Regulations.

2. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part 391, Subpart E, Title 49, Code of Federal Regulations, relating to the physical requirements of drivers shall not be applicable to drivers in intrastate commerce, provided such drivers were licensed by this state as chauffeurs to operate commercial motor vehicles on May 13, 1988. Persons who are otherwise qualified and licensed to operate a commercial motor vehicle in this state may operate such vehicle intrastate at the age of eighteen years or older, except that any person transporting hazardous material must be at least twenty-one years of age.

3. Commercial motor vehicles and drivers of such vehicles may be placed out of service if the vehicles are not equipped and operated according to the requirements of this section. Criteria used for placing vehicles and drivers out of service are the North American Uniform Out-of-Service Criteria adopted by the Commercial Vehicle Safety Alliance and the United States Department of Transportation, as such criteria have been and may periodically be amended.

4. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part 395, Title 49, Code of Federal Regulations, relating to the hours of drivers, shall not apply to any vehicle owned or operated by any public utility, rural electric cooperative or other public service organization, or to the driver of such vehicle, while providing restoration of essential utility services during emergencies and operating intrastate. For the purposes of this subsection, the term "essential utility services" means electric, gas, water, telephone and sewer services.

5. Part 395, Title 49, Code of Federal Regulations, relating to the hours of drivers, shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in this state if such transportation:

(1) Is limited to an area within a one hundred air mile radius from the source of the commodities or the distribution point for the farm supplies; and

(2) Is conducted during the planting and harvesting season within this state, as defined by the department of public safety by regulation.

6. The provisions of Part 395.8, Title 49, Code of Federal Regulations, relating to recording of a driver's duty status, shall not apply to drivers engaged in agricultural operations referred to in subsection 5 of this section, if the motor carrier who employs the driver maintains and retains for a period of six months accurate and true records showing:

- (1) The total number of hours the driver is on duty each day; and
- (2) The time at which the driver reports for, and is released from, duty each day.

7. Violation of any provision of this section or any rule promulgated as authorized therein is a class B misdemeanor.

8. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

Approved July 9, 2003

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## HB 380 [SCS HCS HB 380]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

### **Creates the Uniform Securities Act of 2002 and Missouri Takeover Bid Disclosure Act.**

AN ACT to repeal sections 409.101, 409.102, 409.201, 409.202, 409.203, 409.204, 409.301, 409.302, 409.303, 409.304, 409.305, 409.306, 409.307, 409.401, 409.402, 409.403, 409.404, 409.405, 409.406, 409.407, 409.408, 409.409, 409.410, 409.411, 409.412, 409.413, 409.414, 409.415, 409.416, 409.418, 409.420, and 409.421, RSMo, and to enact in lieu thereof fifty-three new sections relating to securities regulation, with penalty provisions.

#### SECTION

- A. Enacting clause.
  - 409.1-101. Short title.
  - 409.1-102. Definitions.
  - 409.1-103. References to federal statutes.
  - 409.1-104. References to federal agencies.
  - 409.1-105. Electronic records and signatures.
  - 409.2-201. Exempt securities.
  - 409.2-202. Exempt transactions.
  - 409.2-203. Additional exemptions and waivers.
  - 409.2-204. Denial, suspension, revocation, condition, or limitation of exemptions.
  - 409.3-301. Securities registration requirement.
  - 409.3-302. Notice filing.
  - 409.3-303. Securities registration by coordination.
  - 409.3-304. Securities registration by qualification.
  - 409.3-305. Securities registration filings.
  - 409.3-306. Denial, suspension, and revocation of securities registration.
  - 409.3-307. Waiver and modification.
  - 409.4-401. Broker-dealer registration requirement and exemptions.
  - 409.4-402. Agent registration requirement and exemptions.
  - 409.4-403. Investment adviser registration requirement and exemptions.
  - 409.4-404. Investment adviser representative registration requirement and exemption.
  - 409.4-405. Federal covered investment adviser notice filing requirement.
  - 409.4-406. Registration by broker-dealer, agent, investment adviser, and investment adviser representative.
  - 409.4-407. Succession and change in registration of broker-dealer or investment adviser.
  - 409.4-408. Termination of employment or association of agent and investment adviser representative and transfer of employment or association.
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- 409.4-409. Withdrawal of registration of broker-dealer, agent, investment adviser, and investment adviser representative.
- 409.4-410. Filing fees.
- 409.4-411. Postregistration requirements.
- 409.4-412. Denial, revocation, suspension, withdrawal, restriction, condition, or limitation of registration.
- 409.5-501. General fraud.
- 409.5-502. Prohibited conduct in providing investment advice.
- 409.5-503. Evidentiary burden.
- 409.5-504. Filing of sales and advertising literature.
- 409.5-505. Misleading filings.
- 409.5-506. Misrepresentations concerning registration or exemption.
- 409.5-507. Qualified immunity.
- 409.5-508. Criminal penalties.
- 409.5-509. Civil liability.
- 409.5-510. Rescission offers.
- 409.6-601. Administration.
- 409.6-602. Investigations and subpoenas.
- 409.6-603. Civil enforcement.
- 409.6-604. Administrative enforcement.
- 409.6-605. Rules, forms, orders, interpretive opinions, and hearings.
- 409.6-606. Administrative files and opinions.
- 409.6-607. Public records; confidentiality.
- 409.6-608. Uniformity and cooperation with other agencies.
- 409.6-609. Judicial review.
- 409.6-610. Jurisdiction.
- 409.6-611. Service of process.
- 409.6-612. Severability clause.
- 409.7-701. Effective date.
- 409.7-702. Repeals.
- 409.7-703. Application of act to existing proceeding and existing rights and duties.
  - 409.101. Sales and purchases.
  - 409.102. Advisory activities.
  - 409.201. Registration requirements.
  - 409.202. Registration procedure.
  - 409.203. Postregistration provisions.
  - 409.204. Denial, revocation, suspension, cancellation and withdrawal of registration.
  - 409.301. Registration requirement (securities).
  - 409.302. Registration by notification (securities).
  - 409.303. Registration by coordination (securities).
  - 409.304. Registration by qualification (securities).
  - 409.305. Provisions applicable to registration generally.
  - 409.306. Denial, suspension and revocation of registration.
  - 409.307. Federal covered securities — commissioner's powers, duties — filings, fees.
  - 409.401. Definitions.
  - 409.402. Exemptions.
  - 409.403. Filing of sales and advertising literature.
  - 409.404. Misleading filings.
  - 409.405. Unlawful representations concerning registration or exemption.
  - 409.406. Administration of act.
  - 409.407. Investigations and subpoenas — unexpended balance not to lapse into general revenue — violations in other states — investigations, authority to appoint.
  - 409.408. Fraudulent practices, order prohibiting.
  - 409.409. Injunctions.
  - 409.410. Criminal penalties.
  - 409.411. Civil liabilities.
  - 409.412. Judicial review of orders.
  - 409.413. Rules, forms, and orders.
  - 409.414. Administrative files and opinions.
  - 409.415. Scope of the act and service of process.
  - 409.416. Short title.
  - 409.418. Repeal and saving provisions.
  - 409.420. Commissioner's authority to cooperate to achieve uniformity of interpretation and enforcement.
  - 409.421. Rules, procedure to adopt, suspend and revoke.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

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**SECTION A. ENACTING CLAUSE.** — Sections 409.101, 409.102, 409.201, 409.202, 409.203, 409.204, 409.301, 409.302, 409.303, 409.304, 409.305, 409.306, 409.307, 409.401, 409.402, 409.403, 409.404, 409.405, 409.406, 409.407, 409.408, 409.409, 409.410, 409.411, 409.412, 409.413, 409.414, 409.415, 409.416, 409.418, 409.420, and 409.421, RSMo, are repealed and fifty-three new sections enacted in lieu thereof, to be known as sections 409.1-101, 409.1-102, 409.1-103, 409.1-104, 409.1-105, 409.2-201, 409.2-202, 409.2-203, 409.2-204, 409.3-301, 409.3-302, 409.3-303, 409.3-304, 409.3-305, 409.3-306, 409.3-307, 409.4-401, 409.4-402, 409.4-403, 409.4-404, 409.4-405, 409.4-406, 409.4-407, 409.4-408, 409.4-409, 409.4-410, 409.4-411, 409.4-412, 409.5-501, 409.5-502, 409.5-503, 409.5-504, 409.5-505, 409.5-506, 409.5-507, 409.5-508, 409.5-509, 409.5-510, 409.6-601, 409.6-602, 409.6-603, 409.6-604, 409.6-605, 409.6-606, 409.6-607, 409.6-608, 409.6-609, 409.6-610, 409.6-611, 409.6-612, 409.7-701, 409.7-702, and 409.7-703, to read as follows:

**409.1-101. SHORT TITLE.** — Sections 409.1-101 to 409.7-703 may be cited as the "Missouri Securities Act of 2003" and in this chapter as this act.

**409.1-102. DEFINITIONS.** — In this act, unless the context otherwise requires:

(1) "Agent" means an individual, other than a broker-dealer, who represents a broker-dealer in effecting or attempting to effect purchases or sales of securities or represents an issuer in effecting or attempting to effect purchases or sales of the issuer's securities. But a partner, officer, or director of a broker-dealer or issuer, or an individual having a similar status or performing similar functions is an agent only if the individual otherwise comes within the term. The term does not include an individual excluded by rule adopted or order issued under this act.

(2) "Commissioner" means the commissioner of securities appointed by the secretary of state.

(3) "Bank" means:

(A) A banking institution organized under the laws of the United States;

(B) A member bank of the Federal Reserve System;

(C) Any other banking institution, whether incorporated or not, doing business under the laws of a state or of the United States, a substantial portion of the business of which consists of receiving deposits or exercising fiduciary powers similar to those permitted to be exercised by national banks under the authority of the Comptroller of the Currency pursuant to Section 1 of Public Law 87-722 (12 U.S.C. Section 92a), and which is supervised and examined by a state or federal agency having supervision over banks, and which is not operated for the purpose of evading this act; and

(D) A receiver, conservator, or other liquidating agent of any institution or firm included in subparagraph (A), (B), or (C).

(4) "Broker-dealer" means a person engaged in the business of effecting transactions in securities for the account of others or for the person's own account. The term does not include:

(A) An agent;

(B) An issuer;

(C) A bank, a trust company organized or chartered under the laws of this state, or a savings institution, if its activities as a broker-dealer are limited to those specified in subsections 3(a)(4)(B)(i) to (vi), (viii) to (x), and (xi) if limited to unsolicited transactions; 3(a)(5)(B); and 3(a)(5)(C) of the Securities Exchange Act of 1934 (15 U.S.C. Sections 78c(a)(4) and (5)) or a bank that satisfies the conditions described in subsection 3(a)(4)(E) of the Securities Exchange Act of 1934 (15 U.S.C. Section 78c(a)(4));

(D) An international banking institution; or

(E) A person excluded by rule adopted or order issued under this act.

(5) "Depository institution" means:

(A) A bank; or

(B) A savings institution, trust company, credit union, or similar institution that is organized or chartered under the laws of a state or of the United States, authorized to receive deposits, and supervised and examined by an official or agency of a state or the United States if its deposits or share accounts are insured to the maximum amount authorized by statute by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund, or a successor authorized by federal law. The term does not include:

(i) An insurance company or other organization primarily engaged in the business of insurance;

(ii) A Morris Plan bank; or

(iii) An industrial loan company.

(6) "Federal covered investment adviser" means a person registered under the Investment Advisers Act of 1940.

(7) "Federal covered security" means a security that is, or upon completion of a transaction will be, a covered security under Section 18(b) of the Securities Act of 1933 (15 U.S.C. Section 77r(b)) or rules or regulations adopted pursuant to that provision.

(8) "Filing" means the receipt under this act of a record by the commissioner or a designee of the commissioner.

(9) "Fraud", "deceit", and "defraud" are not limited to common law deceit.

(10) "Guaranteed" means guaranteed as to payment of all principal and all interest.

(11) "Institutional investor" means any of the following, whether acting for itself or for others in a fiduciary capacity:

(A) A depository institution, a trust company organized or chartered under the laws of this state, or an international banking institution;

(B) An insurance company;

(C) A separate account of an insurance company;

(D) An investment company as defined in the Investment Company Act of 1940;

(E) A broker-dealer registered under the Securities Exchange Act of 1934;

(F) An employee pension, profit-sharing, or benefit plan if the plan has total assets in excess of ten million dollars or its investment decisions are made by a named fiduciary, as defined in the Employee Retirement Income Security Act of 1974, that is a broker-dealer registered under the Securities Exchange Act of 1934, an investment adviser registered or exempt from registration under the Investment Advisers Act of 1940, an investment adviser registered under this act, a depository institution, or an insurance company;

(G) A plan established and maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or a political subdivision of a state for the benefit of its employees, if the plan has total assets in excess of ten million dollars or its investment decisions are made by a duly designated public official or by a named fiduciary, as defined in the Employee Retirement Income Security Act of 1974, that is a broker-dealer registered under the Securities Exchange Act of 1934, an investment adviser registered or exempt from registration under the Investment Advisers Act of 1940, an investment adviser registered under this act, a depository institution, or an insurance company;

(H) A trust, if it has total assets in excess of ten million dollars, its trustee is a depository institution, and its participants are exclusively plans of the types identified in subparagraph (F) or (G), regardless of the size of their assets, except a trust that includes as participants self-directed individual retirement accounts or similar self-directed plans;

(I) An organization described in Section 501(c)(3) of the Internal Revenue Code (26 U.S.C. Section 501(c)(3)), corporation, Massachusetts trust or similar business trust, limited liability company, or partnership, not formed for the specific purpose of acquiring the securities offered, with total assets in excess of ten million dollars;

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(J) A small business investment company licensed by the Small Business Administration under Section 301(c) of the Small Business Investment Act of 1958 (15 U.S.C. Section 681(c)) with total assets in excess of ten million dollars;

(K) A private business development company as defined in Section 202(a)(22) of the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-2(a)(22)) with total assets in excess of ten million dollars;

(L) A federal covered investment adviser acting for its own account;

(M) A "qualified institutional buyer" as defined in Rule 144A(a)(1), other than Rule 144A(a)(1)(H), adopted under the Securities Act of 1933 (17 C.F.R. 230.144A);

(N) A "major U.S. institutional investor" as defined in Rule 15a-6(b)(4)(i) adopted under the Securities Exchange Act of 1934 (17 C.F.R. 240.15a-6);

(O) Any other person, other than an individual, of institutional character with total assets in excess of ten million dollars not organized for the specific purpose of evading this act; or

(P) Any other person specified by rule adopted or order issued under this act.

(12) "Insurance company" means a company organized as an insurance company whose primary business is writing insurance or reinsuring risks underwritten by insurance companies and which is subject to supervision by the insurance commissioner or a similar official or agency of a state.

(13) "Insured" means insured as to payment of all principal and all interest.

(14) "International banking institution" means an international financial institution of which the United States is a member and whose securities are exempt from registration under the Securities Act of 1933.

(15) "Investment adviser" means a person that, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or the advisability of investing in, purchasing, or selling securities or that, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. The term includes a financial planner or other person that, as an integral component of other financially related services, provides investment advice to others for compensation as part of a business or that holds itself out as providing investment advice to others for compensation. The term does not include:

(A) An investment adviser representative;

(B) A lawyer, accountant, engineer, or teacher whose performance of investment advice is solely incidental to the practice of the person's profession;

(C) A broker-dealer or its agents whose performance of investment advice is solely incidental to the conduct of business as a broker-dealer and that does not receive special compensation for the investment advice;

(D) A publisher of a bona fide newspaper, news magazine, or business or financial publication of general and regular circulation;

(E) A federal covered investment adviser;

(F) A bank, a trust company organized or chartered under the laws of this state, or a savings institution;

(G) Any other person that is excluded by the Investment Advisers Act of 1940 from the definition of investment adviser; or

(H) Any other person excluded by rule adopted or order issued under this act.

(16) "Investment adviser representative" means an individual employed by or associated with an investment adviser or federal covered investment adviser and who makes any recommendations or otherwise gives investment advice regarding securities, manages accounts or portfolios of clients, determines which recommendation or advice regarding securities should be given, provides investment advice or holds herself or himself out as providing investment advice, receives compensation to solicit, offer, or negotiate for

the sale of or for selling investment advice, or supervises employees who perform any of the foregoing. The term does not include an individual who:

(A) Performs only clerical or ministerial acts;

(B) Is an agent whose performance of investment advice is solely incidental to the individual acting as an agent and who does not receive special compensation for investment advisory services;

(C) Is employed by or associated with a federal covered investment adviser, unless the individual has a "place of business" in this state as that term is defined by rule adopted under Section 203A of the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-3a) and is:

(i) An "investment adviser representative" as that term is defined by rule adopted under Section 203A of the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-3a); or

(ii) Not a "supervised person" as that term is defined in Section 202(a)(25) of the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-2(a)(25)); or

(D) Is excluded by rule adopted or order issued under this act.

(17) "Issuer" means a person that issues or proposes to issue a security, subject to the following:

(A) The issuer of a voting trust certificate, collateral trust certificate, certificate of deposit for a security, or share in an investment company without a board of directors or individuals performing similar functions is the person performing the acts and assuming the duties of depositor or manager pursuant to the trust or other agreement or instrument under which the security is issued.

(B) The issuer of an equipment trust certificate or similar security serving the same purpose is the person by which the property is or will be used or to which the property or equipment is or will be leased or conditionally sold or that is otherwise contractually responsible for assuring payment of the certificate.

(C) The issuer of a fractional undivided interest in an oil, gas, or other mineral lease or in payments out of production under a lease, right, or royalty is the owner of an interest in the lease or in payments out of production under a lease, right, or royalty, whether whole or fractional, that creates fractional interests for the purpose of sale.

(18) "Nonissuer transaction" or "nonissuer distribution" means a transaction or distribution not directly or indirectly for the benefit of the issuer.

(19) "Offer to purchase" includes an attempt or offer to obtain, or solicitation of an offer to sell, a security or interest in a security for value. The term does not include a tender offer that is subject to Section 14(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78n(d)).

(20) "Person" means an individual; corporation; business trust; estate; trust; partnership; limited liability company; association; joint venture; government; governmental subdivision, agency, or instrumentality; public corporation; or any other legal or commercial entity.

(21) "Place of business" of a broker-dealer, an investment adviser, or a federal covered investment adviser means:

(A) An office at which the broker-dealer, investment adviser, or federal covered investment adviser regularly provides brokerage or investment advice or solicits, meets with, or otherwise communicates with customers or clients; or

(B) Any other location that is held out to the general public as a location at which the broker-dealer, investment adviser, or federal covered investment adviser provides brokerage or investment advice or solicits, meets with, or otherwise communicates with customers or clients.

(22) "Predecessor act" means sections 409.101, 409.102 and 409.201 to 409.421, as repealed by this act.

(23) "Price amendment" means the amendment to a registration statement filed under the Securities Act of 1933 or, if an amendment is not filed, the prospectus or prospectus supplement filed under the Securities Act of 1933 that includes a statement of the offering price, underwriting and selling discounts or commissions, amount of proceeds, conversion rates, call prices, and other matters dependent upon the offering price.

(24) "Principal place of business" of a broker-dealer or an investment adviser means the executive office of the broker-dealer or investment adviser from which the officers, partners, or managers of the broker-dealer or investment adviser direct, control, and coordinate the activities of the broker-dealer or investment adviser.

(25) "Record", except in the phrases "of record", "official record", and "public record", means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(26) "Sale" includes every contract of sale, contract to sell, or disposition of, a security or interest in a security for value, and "offer to sell" includes every attempt or offer to dispose of, or solicitation of an offer to purchase, a security or interest in a security for value. Both terms include:

(A) A security given or delivered with, or as a bonus on account of, a purchase of securities or any other thing constituting part of the subject of the purchase and having been offered and sold for value;

(B) A gift of assessable stock involving an offer and sale; and

(C) A sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer and a sale or offer of a security that gives the holder a present or future right or privilege to convert the security into another security of the same or another issuer, including an offer of the other security.

(27) "Securities and Exchange Commission" means the United States Securities and Exchange Commission.

(28) "Security" means a note; stock; treasury stock; security future; bond; debenture; evidence of indebtedness; certificate of interest or participation in a profit-sharing agreement; collateral trust certificate; preorganization certificate or subscription; transferable share; investment contract; voting trust certificate; certificate of deposit for a security; fractional undivided interest in oil, gas, or other mineral rights; put, call, straddle, option, or privilege on a security, certificate of deposit, or group or index of securities, including an interest therein or based on the value thereof; put, call, straddle, option, or privilege entered into on a national securities exchange relating to foreign currency; or, in general, an interest or instrument commonly known as a "security"; or a certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. The term:

(A) Includes both a certificated and an uncertificated security;

(B) Does not include an insurance or endowment policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or other specified period;

(C) Does not include an interest in a contributory or noncontributory pension or welfare plan subject to the Employee Retirement Income Security Act of 1974;

(D) Includes as an "investment contract" an investment in a common enterprise with the expectation of profits to be derived primarily from the efforts of a person other than the investor and a "common enterprise" means an enterprise in which the fortunes of the investor are interwoven with those of either the person offering the investment, a third party, or other investors; and

(E) May include as an "investment contract", among other contracts, an interest in a limited partnership and a limited liability company and an investment in a viatical settlement or similar agreement.

(29) "Self-regulatory organization" means a national securities exchange registered under the Securities Exchange Act of 1934, a national securities association of broker-dealers registered under the Securities Exchange Act of 1934, a clearing agency registered under the Securities Exchange Act of 1934, or the Municipal Securities Rulemaking Board established under the Securities Exchange Act of 1934.

(30) "Sign" means, with present intent to authenticate or adopt a record:

(A) To execute or adopt a tangible symbol; or

(B) To attach or logically associate with the record an electronic symbol, sound, or process.

(31) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

**409.1-103. REFERENCES TO FEDERAL STATUTES.** — "Securities Act of 1933" (15 U.S.C. Section 77a et seq.), "Securities Exchange Act of 1934" (15 U.S.C. Section 78a et seq.), "Public Utility Holding Company Act of 1935" (15 U.S.C. Section 79 et seq.), "Investment Company Act of 1940" (15 U.S.C. Section 80a-1 et seq.), "Investment Advisers Act of 1940" (15 U.S.C. Section 80b-1 et seq.), "Employee Retirement Income Security Act of 1974" (29 U.S.C. Section 1001 et seq.), "National Housing Act" (12 U.S.C. Section 1701 et seq.), "Commodity Exchange Act" (7 U.S.C. Section 1 et seq.), "Internal Revenue Code" (26 U.S.C. Section 1 et seq.), "Securities Investor Protection Act of 1970" (15 U.S.C. Section 78aaa et seq.), "Securities Litigation Uniform Standards Act of 1998" (112 Stat. 3227), "Small Business Investment Act of 1958" (15 U.S.C. Section 661 et seq.), and "Electronic Signatures in Global and National Commerce Act" (15 U.S.C. Section 7001 et seq.) mean those statutes and the rules and regulations adopted under those statutes, as in effect on the date of enactment of this act.

**409.1-104. REFERENCES TO FEDERAL AGENCIES.** — A reference in this act to an agency or department of the United States is also a reference to a successor agency or department.

**409.1-105. ELECTRONIC RECORDS AND SIGNATURES.** — This act modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, but does not modify, limit, or supersede Section 101(c) of that act (15 U.S.C. Section 7001(c)) or authorize electronic delivery of any of the notices described in Section 103(b) of that act (15 U.S.C. Section 7003(b)). This act authorizes the filing of records and signatures, when specified by provisions of this act or by a rule adopted or order issued under this act, in a manner consistent with Section 104(a) of that act (15 U.S.C. Section 7004(a)).

**409.2-201. EXEMPT SECURITIES.** — The following securities are exempt from the requirements of sections 409.3-301 to 409.3-306 and 409.5-504:

(1) A security, including a revenue obligation or a separate security as defined in Rule 131 (17 C.F.R. 230.131) adopted under the Securities Act of 1933, issued, insured, or guaranteed by the United States; by a state; by a political subdivision of a state; by a public authority, agency, or instrumentality of one or more states; by a political subdivision of one or more states; or by a person controlled or supervised by and acting as an instrumentality of the United States under authority granted by the Congress; or a certificate of deposit for any of the foregoing;

(2) A security issued, insured, or guaranteed by a foreign government with which the United States maintains diplomatic relations, or any of its political subdivisions, if the security is recognized as a valid obligation by the issuer, insurer, or guarantor;

(3) A security issued by and representing or that will represent an interest in or a direct obligation of, or be guaranteed by:

(A) An international banking institution;

(B) A banking institution organized under the laws of the United States; a member bank of the Federal Reserve System; or a depository institution a substantial portion of the business of which consists or will consist of receiving deposits or share accounts that are insured to the maximum amount authorized by statute by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund, or a successor authorized by federal law or exercising fiduciary powers that are similar to those permitted for national banks under the authority of the Comptroller of Currency pursuant to Section 1 of Public Law 87-722 (12 U.S.C. Section 92a); or

(C) Any other depository institution, or any trust company organized or chartered under the laws of this state, unless by rule or order the commissioner proceeds under section 409.2-204;

(4) A security issued by and representing an interest in, or a debt of, or insured or guaranteed by, an insurance company authorized to do business in this state;

(5) A security issued or guaranteed by a railroad, other common carrier, public utility, or public utility holding company that is:

(A) Regulated in respect to its rates and charges by the United States or a state;

(B) Regulated in respect to the issuance or guarantee of the security by the United States, a state, Canada, or a Canadian province or territory; or

(C) A public utility holding company registered under the Public Utility Holding Company Act of 1935 or a subsidiary of such a registered holding company within the meaning of that act;

(6) A federal covered security specified in Section 18(b)(1) of the Securities Act of 1933 (15 U.S.C. Section 77r(b)(1)) or by rule adopted under that provision or a security listed or approved for listing on another securities market specified by rule under this act; a put or a call option contract; a warrant; a subscription right on or with respect to such securities; or an option or similar derivative security on a security or an index of securities or foreign currencies issued by a clearing agency registered under the Securities Exchange Act of 1934 and listed or designated for trading on a national securities exchange, a facility of a national securities exchange, or a facility of a national securities association registered under the Securities Exchange Act of 1934 or an offer or sale, of the underlying security in connection with the offer, sale, or exercise of an option or other security that was exempt when the option or other security was written or issued; or an option or a derivative security designated by the Securities and Exchange Commission under Section 9(b) of the Securities Exchange Act of 1934 (15 U.S.C. Section 78i(b));

(7) A security issued by a person organized and operated exclusively for religious, educational, benevolent, fraternal, charitable, social, athletic, or reformatory purposes, or as a chamber of commerce, and not for pecuniary profit, no part of the net earnings of which inures to the benefit of a private stockholder or other person, or a security of a company that is excluded from the definition of an investment company under Section 3(c)(10)(B) of the Investment Company Act of 1940 (15 U.S.C. Section 80a-3(c)(10)(B)); except that with respect to the offer or sale of a note, bond, debenture, or other evidence of indebtedness issued by such a person, a rule may be adopted under this act limiting the availability of this exemption by classifying securities, persons, and transactions, imposing different requirements for different classes, specifying with respect to paragraph (B) the scope of the exemption and the grounds for denial or suspension, and requiring an issuer:

(A) To file a notice specifying the material terms of the proposed offer or sale and copies of any proposed sales and advertising literature to be used and provide that the exemption becomes effective if the commissioner does not disallow the exemption within the period established by the rule;

(B) To file a request for exemption authorization for which a rule under this act may specify the scope of the exemption, the requirement of an offering statement, the filing of sales and advertising literature, the filing of consent to service of process complying with section 409.6-611, and grounds for denial or suspension of the exemption; or

(C) To register under section 409.3-304;

(8) A member's or owner's interest in, or a retention certificate or like security given in lieu of a cash patronage dividend issued by, a cooperative organized and operated as a nonprofit membership cooperative under the cooperative laws of a state, but not a member's or owner's interest, retention certificate, or like security sold to persons other than bona fide members of the cooperative; and

(9) An equipment trust certificate with respect to equipment leased or conditionally sold to a person, if any security issued by the person would be exempt under this section or would be a federal covered security under Section 18(b)(1) of the Securities Act of 1933 (15 U.S.C. Section 77r(b)(1)).

**409.2-202. EXEMPT TRANSACTIONS.** — The following transactions are exempt from the requirements of sections 409.3-301 to 409.3-306 and 409.5-504:

(1) An isolated nonissuer transaction, whether effected by or through a broker-dealer or not;

(2) A nonissuer transaction by or through a broker-dealer registered, or exempt from registration under this act, and a resale transaction by a sponsor of a unit investment trust registered under the Investment Company Act of 1940, in a security of a class that has been outstanding in the hands of the public for at least ninety days, if, at the date of the transaction:

(A) The issuer of the security is engaged in business, the issuer is not in the organizational stage or in bankruptcy or receivership, and the issuer is not a blank check, blind pool, or shell company that has no specific business plan or purpose or has indicated that its primary business plan is to engage in a merger or combination of the business with, or an acquisition of, an unidentified person;

(B) The security is sold at a price reasonably related to its current market price;

(C) The security does not constitute the whole or part of an unsold allotment to, or a subscription or participation by, the broker-dealer as an underwriter of the security or a redistribution; and

(D) A nationally recognized securities manual or its electronic equivalent designated by rule adopted or order issued under this act or a record filed with the Securities and Exchange Commission that is publicly available contains:

(i) A description of the business and operations of the issuer;

(ii) The names of the issuer's executive officers and the names of the issuer's directors, if any;

(iii) An audited balance sheet of the issuer as of a date within eighteen months before the date of the transaction or, in the case of a reorganization or merger when the parties to the reorganization or merger each had an audited balance sheet, a pro forma balance sheet for the combined organization; and

(iv) An audited income statement for each of the issuer's two immediately previous fiscal years or for the period of existence of the issuer, whichever is shorter, or, in the case of a reorganization or merger when each party to the reorganization or merger had audited income statements, a pro forma income statement; or

(E) The issuer of the security has a class of equity securities listed on a national securities exchange registered under the Securities Exchange Act of 1934 or designated for trading on the National Association of Securities Dealers Automated Quotation System, unless the issuer of the security is a unit investment trust registered under the Investment Company Act of 1940; or the issuer of the security, including its predecessors,

has been engaged in continuous business for at least three years; or the issuer of the security has total assets of at least two million dollars based on an audited balance sheet as of a date within eighteen months before the date of the transaction or, in the case of a reorganization or merger when the parties to the reorganization or merger each had the audited balance sheet, a pro forma balance sheet for the combined organization;

(3) A nonissuer transaction by or through a broker-dealer registered or exempt from registration under this act in a security of a foreign issuer that is a margin security defined in regulations or rules adopted by the Board of Governors of the Federal Reserve System;

(4) A nonissuer transaction by or through a broker-dealer registered or exempt from registration under this act in an outstanding security if the guarantor of the security files reports with the Securities and Exchange Commission under the reporting requirements of Section 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d));

(5) A nonissuer transaction by or through a broker-dealer registered or exempt from registration under this act in a security that:

(A) Is rated at the time of the transaction by a nationally recognized statistical rating organization in one of its four highest rating categories; or

(B) Has a fixed maturity or a fixed interest or dividend, if:

(i) A default has not occurred during the current fiscal year or within the three previous fiscal years or during the existence of the issuer and any predecessor if less than three fiscal years, in the payment of principal, interest, or dividends on the security; and

(ii) The issuer is engaged in business, is not in the organizational stage or in bankruptcy or receivership, and is not and has not been within the previous twelve months a blank check, blind pool, or shell company that has no specific business plan or purpose or has indicated that its primary business plan is to engage in a merger or combination of the business with, or an acquisition of, an unidentified person;

(6) A nonissuer transaction by or through a broker-dealer registered or exempt from registration under this act effecting an unsolicited order or offer to purchase;

(7) A nonissuer transaction executed by a bona fide pledgee without the purpose of evading this act;

(8) A nonissuer transaction by a federal covered investment adviser with investments under management in excess of one hundred million dollars acting in the exercise of discretionary authority in a signed record for the account of others;

(9) A transaction in a security, whether or not the security or transaction is otherwise exempt, in exchange for one or more bona fide outstanding securities, claims, or property interests, or partly in such exchange and partly for cash, if the terms and conditions of the issuance and exchange or the delivery and exchange and the fairness of the terms and conditions have been approved by the commissioner after a hearing;

(10) A transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters;

(11) A transaction in a note, bond, debenture, or other evidence of indebtedness secured by a mortgage or other security agreement if:

(A) The note, bond, debenture, or other evidence of indebtedness is offered and sold with the mortgage or other security agreement as a unit;

(B) A general solicitation or general advertisement of the transaction is not made; and

(C) A commission or other remuneration is not paid or given, directly or indirectly, to a person not registered under this act as a broker-dealer or as an agent;

(12) A transaction by an executor, commissioner of an estate, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator;

(13) A sale or offer to sell to:

(A) An institutional investor;

(B) A federal covered investment adviser; or

- (C) Any other person exempted by rule adopted or order issued under this act;
- (14) A sale or an offer to sell securities of an issuer, if part of a single issue in which:
  - (A) Not more than twenty-five purchasers are present in this state during any twelve consecutive months, other than those designated in paragraph (13);
  - (B) A general solicitation or general advertising is not made in connection with the offer to sell or sale of the securities;
  - (C) A commission or other remuneration is not paid or given, directly or indirectly, to a person other than a broker-dealer registered under this act or an agent registered under this act for soliciting a prospective purchaser in this state; and
  - (D) The issuer reasonably believes that all the purchasers in this state, other than those designated in paragraph (13), are purchasing for investment;
- (15) A transaction under an offer to existing security holders of the issuer, including persons that at the date of the transaction are holders of convertible securities, options, or warrants, if a commission or other remuneration, other than a standby commission, is not paid or given, directly or indirectly, for soliciting a security holder in this state;
- (16) An offer to sell, but not a sale, of a security not exempt from registration under the Securities Act of 1933 if:
  - (A) A registration or offering statement or similar record as required under the Securities Act of 1933 has been filed, but is not effective, or the offer is made in compliance with Rule 165 adopted under the Securities Act of 1933 (17 C.F.R. 230.165); and
  - (B) A stop order of which the offeror is aware has not been issued against the offeror by the commissioner or the Securities and Exchange Commission, and an audit, inspection, or proceeding that is public and that may culminate in a stop order is not known by the offeror to be pending;
- (17) An offer to sell, but not a sale, of a security exempt from registration under the Securities Act of 1933 if:
  - (A) A registration statement has been filed under this act, but is not effective;
  - (B) A solicitation of interest is provided in a record to offerees in compliance with a rule adopted by the commissioner under this act; and
  - (C) A stop order of which the offeror is aware has not been issued by the commissioner under this act and an audit, inspection, or proceeding that may culminate in a stop order is not known by the offeror to be pending;
- (18) A transaction involving the distribution of the securities of an issuer to the security holders of another person in connection with a merger, consolidation, exchange of securities, sale of assets, or other reorganization to which the issuer, or its parent or subsidiary and the other person, or its parent or subsidiary, are parties;
- (19) A rescission offer, sale, or purchase under section 409.5-510;
- (20) An offer or sale of a security to a person not a resident of this state and not present in this state if the offer or sale does not constitute a violation of the laws of the state or foreign jurisdiction in which the offeree or purchaser is present and is not part of an unlawful plan or scheme to evade this act;
- (21) Employees' stock purchase, savings, option, profit-sharing, pension, or similar employees' benefit plan, including any securities, plan interests, and guarantees issued under a compensatory benefit plan or compensation contract, contained in a record, established by the issuer, its parents, its majority-owned subsidiaries, or the majority-owned subsidiaries of the issuer's parent for the participation of their employees including offers or sales of such securities to:
  - (A) Directors; general partners; trustees, if the issuer is a business trust; officers; consultants; and advisors;
  - (B) Family members who acquire such securities from those persons through gifts or domestic relations orders;

(C) Former employees, directors, general partners, trustees, officers, consultants, and advisors if those individuals were employed by or providing services to the issuer when the securities were offered; and

(D) Insurance agents who are exclusive insurance agents of the issuer, or the issuer's subsidiaries or parents, or who derive more than fifty percent of their annual income from those organizations;

(22) A transaction involving:

(A) A stock dividend or equivalent equity distribution, whether the corporation or other business organization distributing the dividend or equivalent equity distribution is the issuer or not, if nothing of value is given by stockholders or other equity holders for the dividend or equivalent equity distribution other than the surrender of a right to a cash or property dividend if each stockholder or other equity holder may elect to take the dividend or equivalent equity distribution in cash, property, or stock;

(B) An act incident to a judicially approved reorganization in which a security is issued in exchange for one or more outstanding securities, claims, or property interests, or partly in such exchange and partly for cash; or

(C) The solicitation of tenders of securities by an offeror in a tender offer in compliance with Rule 162 adopted under the Securities Act of 1933 (17 C.F.R. 230.162); or

(23) A nonissuer transaction in an outstanding security by or through a broker-dealer registered or exempt from registration under this act, if the issuer is a reporting issuer in a foreign jurisdiction designated by this paragraph or by rule adopted or order issued under this act; has been subject to continuous reporting requirements in the foreign jurisdiction for not less than one hundred-eighty days before the transaction; and the security is listed on the foreign jurisdiction's securities exchange that has been designated by this paragraph or by rule adopted or order issued under this act, or is a security of the same issuer that is of senior or substantially equal rank to the listed security or is a warrant or right to purchase or subscribe to any of the foregoing. For purposes of this paragraph, Canada, together with its provinces and territories, is a designated foreign jurisdiction and The Toronto Stock Exchange, Inc., is a designated securities exchange. After an administrative hearing in compliance with chapter 536, RSMo, the commissioner, by rule adopted or order issued under this act, may revoke the designation of a securities exchange under this paragraph, if the commissioner finds that revocation is necessary or appropriate in the public interest and for the protection of investors.

**409.2-203. ADDITIONAL EXEMPTIONS AND WAIVERS.** — A rule adopted or order issued under this act may exempt a security, transaction, or offer; a rule under this act may exempt a class of securities, transactions, or offers from any or all of the requirements of sections 409.3-301 to 409.3-306 and 409.5-504; and an order under this act may waive, in whole or in part, any or all of the conditions for an exemption or offer under sections 409.2-201 and 409.2-202.

**409.2-204. DENIAL, SUSPENSION, REVOCATION, CONDITION, OR LIMITATION OF EXEMPTIONS.** — (a) Except with respect to a federal covered security or a transaction involving a federal covered security, an order under this act may deny, suspend application of, condition, limit, or revoke an exemption created under section 409.2-201(3)(C), (7) or (8) or 409.2-202 or an exemption or waiver created under section 409.2-203 with respect to a specific security, transaction, or offer. An order under this section may be issued only pursuant to the procedures in section 409.3-306(d) or 409.6-604 and only prospectively.

(b) A person does not violate section 409.3-301, 409.3-303 to 409.3-306, 409.5-504, or 409.5-510 by an offer to sell, offer to purchase, sale, or purchase effected after the entry of an order issued under this section if the person did not know, and in the exercise of reasonable care could not have known, of the order.

**409.3-301. SECURITIES REGISTRATION REQUIREMENT.** — It is unlawful for a person to offer or sell a security in this state unless:

- (1) The security is a federal covered security;
- (2) The security, transaction, or offer is exempted from registration under sections 409.2-201 to 409.2-203; or
- (3) The security is registered under this act.

**409.3-302. NOTICE FILING.** — (a) With respect to a federal covered security, as defined in Section 18(b)(2) of the Securities Act of 1933 (15 U.S.C. Section 77r(b)(2)), that is not otherwise exempt under sections 409.2-201 to 409.2-203, a rule adopted or order issued under this act may require the filing of any or all of the following records:

(1) Before the initial offer of a federal covered security in this state, all records that are part of a federal registration statement filed with the Securities and Exchange Commission under the Securities Act of 1933 and a consent to service of process complying with section 409.6-611 signed by the issuer and the payment of a fee of one hundred dollars;

(2) After the initial offer of the federal covered security in this state, all records that are part of an amendment to a federal registration statement filed with the Securities and Exchange Commission under the Securities Act of 1933; and

(3) To the extent necessary or appropriate to compute fees, a report of the value of the federal covered securities sold or offered to persons present in this state, if the sales data are not included in records filed with the Securities and Exchange Commission and payment of a fee of one-twentieth of one percent of the amount of securities sold in this state during that previous fiscal year. In no case shall this fee exceed three thousand dollars.

(b) A notice filing under subsection (a) is effective for one year commencing on the later of the notice filing or the effectiveness of the offering filed with the Securities and Exchange Commission. On or before expiration, the issuer may renew a notice filing by filing a copy of those records filed by the issuer with the Securities and Exchange Commission that are required by rule or order under this act to be filed and by paying a renewal fee of one hundred dollars. A previously filed consent to service of process complying with section 409.6-611 may be incorporated by reference in a renewal. A renewed notice filing becomes effective upon the expiration of the filing being renewed.

(c) With respect to a security that is a federal covered security under Section 18(b)(4)(D) of the Securities Act of 1933 (15 U.S.C. Section 77r(b)(4)(D)), a rule under this act may require a notice filing by or on behalf of an issuer to include a copy of Form D, including the Appendix, as promulgated by the Securities and Exchange Commission, and a consent to service of process complying with section 409.6-611 signed by the issuer not later than fifteen days after the first sale of the federal covered security in this state and the payment of a fee of one hundred dollars; and the payment of a fee of fifty dollars for any late filing.

(d) Except with respect to a federal security under Section 18(b)(1) of the Securities Act of 1933 (15 U.S.C. Section 77r(b)(1)), if the commissioner finds that there is a failure to comply with a notice or fee requirement of this section, the commissioner may issue a stop order suspending the offer and sale of a federal covered security in this state. If the deficiency is corrected, the stop order is void as of the time of its issuance and no penalty may be imposed by the commissioner.

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**409.3-303. SECURITIES REGISTRATION BY COORDINATION.** — (a) A security for which a registration statement has been filed under the Securities Act of 1933 in connection with the same offering may be registered by coordination under this section.

(b) A registration statement and accompanying records under this section must contain or be accompanied by the following records in addition to the information specified in section 409.3-305 and a consent to service of process complying with section 409.6-611:

(1) A copy of the latest form of prospectus filed under the Securities Act of 1933;  
(2) A copy of the articles of incorporation and bylaws or their substantial equivalents currently in effect; a copy of any agreement with or among underwriters; a copy of any indenture or other instrument governing the issuance of the security to be registered; and a specimen, copy, or description of the security that is required by rule adopted or order issued under this act;

(3) Copies of any other information or any other records filed by the issuer under the Securities Act of 1933 requested by the commissioner; and

(4) An undertaking to forward each amendment to the federal prospectus, other than an amendment that delays the effective date of the registration statement, promptly after it is filed with the Securities and Exchange Commission.

(c) A registration statement under this section becomes effective simultaneously with or subsequent to the federal registration statement when all the following conditions are satisfied:

(1) A stop order under subsection (d) or section 409.3-306 or issued by the Securities and Exchange Commission is not in effect and a proceeding is not pending against the issuer under section 409.3-306; and

(2) The registration statement has been on file for at least twenty days or a shorter period provided by rule adopted or order issued under this act.

(d) The registrant shall promptly notify the commissioner in a record of the date when the federal registration statement becomes effective and the content of any price amendment and shall promptly file a record containing the price amendment. If the notice is not timely received, the commissioner may issue a stop order, without prior notice or hearing, retroactively denying effectiveness to the registration statement or suspending its effectiveness until compliance with this section. The commissioner shall promptly notify the registrant of an order by telegram, telephone, or electronic means and promptly confirm this notice by a record. If the registrant subsequently complies with the notice requirements of this section, the stop order is void as of the date of its issuance.

(e) If the federal registration statement becomes effective before each of the conditions in this section is satisfied or is waived by the commissioner, the registration statement is automatically effective under this act when all the conditions are satisfied or waived. If the registrant notifies the commissioner of the date when the federal registration statement is expected to become effective, the commissioner shall promptly notify the registrant by telegram, telephone, or electronic means and promptly confirm this notice by a record, indicating whether all the conditions are satisfied or waived and whether the commissioner intends the institution of a proceeding under section 409.3-306. The notice by the commissioner does not preclude the institution of such a proceeding.

**409.3-304. SECURITIES REGISTRATION BY QUALIFICATION.** — (a) A security may be registered by qualification under this section.

(b) A registration statement under this section must contain the information or records specified in section 409.3-305, a consent to service of process complying with section 409.6-611, and, if required by rule adopted under this act, the following information or records:

(1) With respect to the issuer and any significant subsidiary, its name, address, and form of organization; the state or foreign jurisdiction and date of its organization; the general character and location of its business; a description of its physical properties and equipment; and a statement of the general competitive conditions in the industry or business in which it is or will be engaged;

(2) With respect to each director and officer of the issuer, and other person having a similar status or performing similar functions, the person's name, address, and principal occupation for the previous five years; the amount of securities of the issuer held by the person as of the thirtieth day before the filing of the registration statement; the amount of the securities covered by the registration statement to which the person has indicated an intention to subscribe; and a description of any material interest of the person in any material transaction with the issuer or a significant subsidiary effected within the previous three years or proposed to be effected;

(3) With respect to persons covered by paragraph (2), the aggregate sum of the remuneration paid to those persons during the previous twelve months and estimated to be paid during the next twelve months, directly or indirectly, by the issuer, and all predecessors, parents, subsidiaries, and affiliates of the issuer;

(4) With respect to a person owning of record or owning beneficially, if known, ten percent or more of the outstanding shares of any class of equity security of the issuer, the information specified in paragraph (2) other than the person's occupation;

(5) With respect to a promoter, if the issuer was organized within the previous three years, the information or records specified in paragraph (2), any amount paid to the promoter within that period or intended to be paid to the promoter, and the consideration for the payment;

(6) With respect to a person on whose behalf any part of the offering is to be made in a nonissuer distribution, the person's name and address; the amount of securities of the issuer held by the person as of the date of the filing of the registration statement; a description of any material interest of the person in any material transaction with the issuer or any significant subsidiary effected within the previous three years or proposed to be effected; and a statement of the reasons for making the offering;

(7) The capitalization and long term debt, on both a current and pro forma basis, of the issuer and any significant subsidiary, including a description of each security outstanding or being registered or otherwise offered, and a statement of the amount and kind of consideration, whether in the form of cash, physical assets, services, patents, goodwill, or anything else of value, for which the issuer or any subsidiary has issued its securities within the previous two years or is obligated to issue its securities;

(8) The kind and amount of securities to be offered; the proposed offering price or the method by which it is to be computed; any variation at which a proportion of the offering is to be made to a person or class of persons other than the underwriters, with a specification of the person or class; the basis on which the offering is to be made if otherwise than for cash; the estimated aggregate underwriting and selling discounts or commissions and finders' fees, including separately cash, securities, contracts, or anything else of value to accrue to the underwriters or finders in connection with the offering or, if the selling discounts or commissions are variable, the basis of determining them and their maximum and minimum amounts; the estimated amounts of other selling expenses, including legal, engineering, and accounting charges; the name and address of each underwriter and each recipient of a finder's fee; a copy of any underwriting or selling group agreement under which the distribution is to be made or the proposed form of any such agreement whose terms have not yet been determined; and a description of the plan of distribution of any securities that are to be offered otherwise than through an underwriter;

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(9) The estimated monetary proceeds to be received by the issuer from the offering; the purposes for which the proceeds are to be used by the issuer; the estimated amount to be used for each purpose; the order or priority in which the proceeds will be used for the purposes stated; the amounts of any funds to be raised from other sources to achieve the purposes stated; the sources of the funds; and, if a part of the proceeds is to be used to acquire property, including goodwill, otherwise than in the ordinary course of business, the names and addresses of the vendors, the purchase price, the names of any persons that have received commissions in connection with the acquisition, and the amounts of the commissions and other expenses in connection with the acquisition, including the cost of borrowing money to finance the acquisition;

(10) A description of any stock options or other security options outstanding, or to be created in connection with the offering, and the amount of those options held or to be held by each person required to be named in paragraph (2), (4), (5), (6), or (8) and by any person that holds or will hold ten percent or more in the aggregate of those options;

(11) The dates of, parties to, and general effect concisely stated of each managerial or other material contract made or to be made otherwise than in the ordinary course of business to be performed in whole or in part at or after the filing of the registration statement or that was made within the previous two years, and a copy of the contract;

(12) A description of any pending litigation, action, or proceeding to which the issuer is a party and that materially affects its business or assets, and any litigation, action, or proceeding known to be contemplated by governmental authorities;

(13) A copy of any prospectus, pamphlet, circular, form letter, advertisement, or other sales literature intended as of the effective date to be used in connection with the offering and any solicitation of interest used in compliance with section 409.2-202(17)(B);

(14) A specimen or copy of the security being registered, unless the security is uncertificated; a copy of the issuer's articles of incorporation and bylaws or their substantial equivalents, in effect; and a copy of any indenture or other instrument covering the security to be registered;

(15) A signed or conformed copy of an opinion of counsel concerning the legality of the security being registered, with an English translation if it is in a language other than English, which states whether the security when sold will be validly issued, fully paid, and nonassessable and, if a debt security, a binding obligation of the issuer;

(16) A signed or conformed copy of a consent of any accountant, engineer, appraiser, or other person whose profession gives authority for a statement made by the person, if the person is named as having prepared or certified a report or valuation, other than an official record, that is public, which is used in connection with the registration statement;

(17) A balance sheet of the issuer as of a date within four months before the filing of the registration statement; a statement of income and changes in financial position for each of the three fiscal years preceding the date of the balance sheet and for any period between the close of the immediately previous fiscal year and the date of the balance sheet, or for the period of the issuer's and any predecessor's existence if less than three years; and, if any part of the proceeds of the offering is to be applied to the purchase of a business, the financial statements that would be required if that business were the registrant; and

(18) Any additional information or records required by rule adopted or order issued under this act.

(c) A registration statement under this section becomes effective thirty days, or any shorter period provided by rule adopted or order issued under this act, after the date the registration statement or the last amendment other than a price amendment is filed, if:

(1) A stop order is not in effect and a proceeding is not pending under section 409.3-306;

(2) The commissioner has not issued an order under section 409.3-306 delaying effectiveness; and

(3) The applicant or registrant has not requested that effectiveness be delayed.

(d) The commissioner may delay effectiveness once for not more than ninety days if the commissioner determines the registration statement is not complete in all material respects and promptly notifies the applicant or registrant of that determination. The commissioner may also delay effectiveness for a further period of not more than thirty days if the commissioner determines that the delay is necessary or appropriate.

(e) A rule adopted or order issued under this act may require as a condition of registration under this section that a prospectus containing a specified part of the information or record specified in subsection (b) be sent or given to each person to which an offer is made, before or concurrently, with the earliest of:

(1) The first offer made in a record to the person otherwise than by means of a public advertisement, by or for the account of the issuer or another person on whose behalf the offering is being made or by an underwriter or broker-dealer that is offering part of an unsold allotment or subscription taken by the person as a participant in the distribution;

(2) The confirmation of a sale made by or for the account of the person;

(3) Payment pursuant to such a sale; or

(4) Delivery of the security pursuant to such a sale.

**409.3-305. SECURITIES REGISTRATION FILINGS.** — (a) A registration statement may be filed by the issuer, a person on whose behalf the offering is to be made, or a broker-dealer registered under this act.

(b) A person filing a registration statement shall pay a filing fee of one hundred dollars. Each person shall pay a registration fee equal to one-twentieth of one percent of the amount by which the maximum aggregate offering price at which the registered securities are to be offered in this state exceeds one hundred thousand dollars. In no case shall the registration fee be more than nine hundred dollars. If a registration statement is withdrawn before the effective date or a preeffective stop order is issued under section 409.3-306, the commissioner shall retain a filing fee of one hundred dollars. A person filing a renewal of a registration statement shall pay a filing fee of one hundred dollars.

(c) A registration statement filed under section 409.3-303 or 409.3-304 must specify:

(1) The amount of securities to be offered in this state;

(2) The states in which a registration statement or similar record in connection with the offering has been or is to be filed; and

(3) Any adverse order, judgment, or decree issued in connection with the offering by a state securities regulator, the Securities and Exchange Commission, or a court.

(d) A record filed under this act or the predecessor act within five years preceding the filing of a registration statement may be incorporated by reference in the registration statement to the extent that the record is currently accurate.

(e) In the case of a nonissuer distribution, information or a record may not be required under subsection (i) or section 409.3-304, unless it is known to the person filing the registration statement or to the person on whose behalf the distribution is to be made or unless it can be furnished by those persons without unreasonable effort or expense.

(f) A rule adopted or order issued under this act may require as a condition of registration that a security issued within the previous five years or to be issued to a promoter for a consideration substantially less than the public offering price or to a person for a consideration other than cash be deposited in escrow; and that the proceeds from the sale of the registered security in this state be impounded until the issuer receives a specified amount from the sale of the security either in this state or elsewhere. The conditions of any escrow or impoundment required under this subsection may be

established by rule adopted or order issued under this act, but the commissioner may not reject a depository institution solely because of its location in another state.

(g) A rule adopted or order issued under this act may require as a condition of registration that a security registered under this act be sold only on a specified form of subscription or sale contract and that a signed or conformed copy of each contract be filed under this act or preserved for a period specified by the rule or order, which may not be longer than five years.

(h) Except while a stop order is in effect under section 409.3-306, a registration statement is effective for one year after its effective date, or for any longer period designated in an order under this act during which the security is being offered or distributed in a nonexempted transaction by or for the account of the issuer or other person on whose behalf the offering is being made or by an underwriter or broker-dealer that is still offering part of an unsold allotment or subscription taken as a participant in the distribution. A registration statement remains effective for each additional year by filing a renewal as described by rule adopted or order issued under this act. For the purposes of a nonissuer transaction, all outstanding securities of the same class identified in the registration statement as a security registered under this act are considered to be registered while the registration statement is effective. If any securities of the same class are outstanding, a registration statement may not be withdrawn until one year after its effective date. A registration statement may be withdrawn only with the approval of the commissioner.

(i) While a registration statement is effective, a rule adopted or order issued under this act may require the person that filed the registration statement to file reports, not more often than quarterly, to keep the information or other record in the registration statement reasonably current and to disclose the progress of the offering.

(j) A registration statement may be amended after its effective date. The post-effective amendment becomes effective when the commissioner so orders. If a post-effective amendment is made to increase the number of securities specified to be offered or sold, the person filing the amendment shall pay a registration fee as described in subsection (b). A post-effective amendment relates back to the date of the offering of the additional securities being registered if, within one year after the date of the sale, the amendment is filed and the additional registration fee is paid.

**409.3-306. DENIAL, SUSPENSION, AND REVOCATION OF SECURITIES REGISTRATION. —**

(a) The commissioner may issue a stop order denying effectiveness to, or suspending or revoking the effectiveness of, a registration statement if the commissioner finds that the order is in the public interest and that:

(1) The registration statement as of its effective date or before the effective date in the case of an order denying effectiveness, an amendment under section 409.3-305(j) as of its effective date, or a report under section 409.3-305(i), is incomplete in a material respect or contains a statement that, in the light of the circumstances under which it was made, was false or misleading with respect to a material fact;

(2) This act or a rule adopted or order issued under this act or a condition imposed under this act has been willfully violated, in connection with the offering, by the person filing the registration statement; by the issuer, a partner, officer, or director of the issuer or a person having a similar status or performing a similar function; a promoter of the issuer; or a person directly or indirectly controlling or controlled by the issuer; but only if the person filing the registration statement is directly or indirectly controlled by or acting for the issuer; or by an underwriter;

(3) The security registered or sought to be registered is the subject of a permanent or temporary injunction of a court of competent jurisdiction or an administrative stop order or similar order issued under any federal, foreign, or state law other than this act

applicable to the offering, but the commissioner may not institute a proceeding against an effective registration statement under this paragraph more than one year after the date of the order or injunction on which it is based, and the commissioner may not issue an order under this paragraph on the basis of an order or injunction issued under the securities act of another state unless the order or injunction was based on conduct that would constitute, as of the date of the order, a ground for a stop order under this section;

(4) The issuer's enterprise or method of business includes or would include activities that are unlawful where performed;

(5) With respect to a security sought to be registered under section 409.3-303, there has been a failure to comply with the undertaking required by section 409.3-303(b)(4);

(6) The applicant or registrant has not paid the filing fee, but the commissioner shall void the order if the deficiency is corrected; or

(7) The offering:

(A) Will work or tend to work a fraud upon purchasers or would so operate;

(B) Has been or would be made with unreasonable amounts of underwriters' and sellers' discounts, commissions, or other compensation, or promoters' profits or participations, or unreasonable amounts or kinds of options; or

(C) Is being made on terms that are unfair, unjust, or inequitable.

(b) To the extent practicable, the commissioner by rule adopted or order issued under this act shall publish standards that provide notice of conduct that violates subsection (a)(7).

(c) The commissioner may not institute a stop order proceeding against an effective registration statement on the basis of conduct or a transaction known to the commissioner when the registration statement became effective unless the proceeding is instituted within thirty days after the registration statement became effective.

(d) The commissioner may summarily revoke, deny, postpone, or suspend the effectiveness of a registration statement pending final determination of an administrative proceeding. Upon the issuance of the order, the commissioner shall promptly notify each person specified in subsection (e) that the order has been issued, the reasons for the revocation, denial, postponement, or suspension, and that within fifteen days after the receipt of a request in a record from the person the matter will be scheduled for a hearing. If a hearing is not requested and none is ordered by the commissioner, within thirty days after the date of service of the order, the order becomes final. If a hearing is requested or ordered, the commissioner, after notice of and opportunity for hearing for each person subject to the order, may modify or vacate the order or extend the order until final determination.

(e) A stop order may not be issued under this section without:

(1) Appropriate notice to the applicant or registrant, the issuer, and the person on whose behalf the securities are to be or have been offered;

(2) An opportunity for hearing before the commissioner; and

(3) Findings of fact and conclusions of law in a record in accordance with the provisions of chapter 536, RSMo, and procedural rules promulgated by the commissioner.

(f) The commissioner may modify or vacate a stop order issued under this section if the commissioner finds that the conditions that caused its issuance have changed or that it is necessary or appropriate in the public interest or for the protection of investors.

**409.3-307. WAIVER AND MODIFICATION.** — The commissioner may waive or modify, in whole or in part, any or all of the requirements of sections 409.3-302, 409.3-303, and 409.3-304(b) or the requirement of any information or record in a registration statement or in a periodic report filed pursuant to section 409.3-305(i).

**409.4-401. BROKER-DEALER REGISTRATION REQUIREMENT AND EXEMPTIONS.** — (a) It is unlawful for a person to transact business in this state as a broker-dealer unless the person is registered under this act as a broker-dealer or is exempt from registration as a broker-dealer under subsection (b) or (d).

(b) The following persons are exempt from the registration requirement of subsection (a):

(1) A broker-dealer without a place of business in this state if its only transactions effected in this state are with:

(A) The issuer of the securities involved in the transactions;

(B) A broker-dealer registered under this act or not required to be registered as a broker-dealer under this act;

(C) An institutional investor;

(D) A nonaffiliated federal covered investment adviser with investments under management in excess of one hundred million dollars acting for the account of others pursuant to discretionary authority in a signed record;

(E) A bona fide preexisting customer whose principal place of residence is not in this state and the person is registered as a broker-dealer under the Securities Exchange Act of 1934 or not required to be registered under the Securities Exchange Act of 1934 and is registered under the securities act of the state in which the customer maintains a principal place of residence;

(F) A bona fide preexisting customer whose principal place of residence is in this state but was not present in this state when the customer relationship was established, if:

(i) The broker-dealer is registered under the Securities Exchange Act of 1934 or not required to be registered under the Securities Exchange Act of 1934 and is registered under the securities laws of the state in which the customer relationship was established and where the customer had maintained a principal place of residence; and

(ii) Within forty-five days after the customer's first transaction in this state, the person files an application for registration as a broker-dealer in this state and a further transaction is not effected more than seventy-five days after the date on which the application is filed, or, if earlier, the date on which the commissioner notifies the person that the commissioner has denied the application for registration or has stayed the pendency of the application for good cause;

(G) Not more than three customers in this state during the previous twelve months, in addition to those customers specified in subparagraphs (A) to (F) and under subparagraph (H), if the broker-dealer is registered under the Securities Exchange Act of 1934 or not required to be registered under the Securities Exchange Act of 1934 and is registered under the securities act of the state in which the broker-dealer has its principal place of business; and

(H) Any other person exempted by rule adopted or order issued under this act; and

(2) A person that deals solely in United States government securities and is supervised as a dealer in government securities by the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, or the Office of Thrift Supervision.

(c) It is unlawful for a broker-dealer, or for an issuer engaged in offering, offering to purchase, purchasing, or selling securities in this state, directly or indirectly, to employ or associate with an individual to engage in an activity related to securities transactions in this state if the registration of the individual is suspended or revoked or the individual is barred from employment or association with a broker-dealer, an issuer, an investment adviser, or a federal covered investment adviser by an order of the commissioner under this act, the Securities and Exchange Commission, or a self-regulatory organization. A broker-dealer or issuer does not violate this subsection if the broker-dealer or issuer did not know and in the exercise of reasonable care could not have known, of the suspension,

revocation, or bar. Upon request from a broker-dealer or issuer and for good cause, an order under this act may modify or waive, in whole or in part, the application of the prohibitions of this subsection to the broker-dealer.

(d) A rule adopted or order issued under this act may permit:

(1) A broker-dealer that is registered in Canada or other foreign jurisdiction and that does not have a place of business in this state to effect transactions in securities with or for, or attempt to effect the purchase or sale of any securities by:

(A) An individual from Canada or other foreign jurisdiction who is temporarily present in this state and with whom the broker-dealer had a bona fide customer relationship before the individual entered the United States;

(B) An individual from Canada or other foreign jurisdiction who is present in this state and whose transactions are in a self-directed tax advantaged retirement plan of which the individual is the holder or contributor in that foreign jurisdiction; or

(C) An individual who is present in this state, with whom the broker-dealer customer relationship arose while the individual was temporarily or permanently resident in Canada or the other foreign jurisdiction; and

(2) An agent who represents a broker-dealer that is exempt under this subsection to effect transactions in securities or attempt to effect the purchase or sale of securities in this state as permitted for a broker-dealer described in paragraph (1).

**409.4-402. AGENT REGISTRATION REQUIREMENT AND EXEMPTIONS.** — (a) It is unlawful for an individual to transact business in this state as an agent unless the individual is registered under this act as an agent or is exempt from registration as an agent under subsection (b).

(b) The following individuals are exempt from the registration requirement of subsection (a):

(1) An individual who represents a broker-dealer in effecting transactions in this state limited to those described in Section 15(h)(2) of the Securities Exchange Act of 1934 (15 U.S.C. Section 78(o)(2));

(2) An individual who represents a broker-dealer that is exempt under section 409.4-401(b) or (d);

(3) An individual who represents an issuer with respect to an offer or sale of the issuer's own securities or those of the issuer's parent or any of the issuer's subsidiaries, and who is not compensated in connection with the individual's participation by the payment of commissions or other remuneration based, directly or indirectly, on transactions in those securities;

(4) An individual who represents an issuer and who effects transactions in the issuer's securities exempted by section 409.2-202, other than section 409.2-202(11) and (14);

(5) An individual who represents an issuer that effects transactions solely in federal covered securities of the issuer, but an individual who effects transactions in a federal covered security under Section 18(b)(3) or 18(b)(4)(D) of the Securities Act of 1933 (15 U.S.C. Section 77r(b)(3) or 77r(b)(4)(D)) is not exempt if the individual is compensated in connection with the agent's participation by the payment of commissions or other remuneration based, directly or indirectly, on transactions in those securities;

(6) An individual who represents a broker-dealer registered in this state under section 409.4-401(a) or exempt from registration under section 409.4-401(b) in the offer and sale of securities for an account of a nonaffiliated federal covered investment adviser with investments under management in excess of one hundred million dollars acting for the account of others pursuant to discretionary authority in a signed record;

(7) An individual who represents an issuer in connection with the purchase of the issuer's own securities;

(8) An individual who represents an issuer and who restricts participation to performing clerical or ministerial acts; or

(9) Any other individual exempted by rule adopted or order issued under this act.

(c) The registration of an agent is effective only while the agent is employed by or associated with a broker-dealer registered under this act or an issuer that is offering, selling, or purchasing its securities in this state.

(d) It is unlawful for a broker-dealer, or an issuer engaged in offering, selling, or purchasing securities in this state, to employ or associate with an agent who transacts business in this state on behalf of broker-dealers or issuers unless the agent is registered under subsection (a) or exempt from registration under subsection (b).

(e) An individual may not act as an agent for more than one broker-dealer or one issuer at a time, unless the broker-dealer or the issuer for which the agent acts are affiliated by direct or indirect common control or are authorized by rule or order under this act.

**409.4-403. INVESTMENT ADVISER REGISTRATION REQUIREMENT AND EXEMPTIONS. —**

(a) It is unlawful for a person to transact business in this state as an investment adviser unless the person is registered under this act as an investment adviser or is exempt from registration as an investment adviser under subsection (b).

(b) The following persons are exempt from the registration requirement of subsection (a):

(1) A person without a place of business in this state that is registered under the securities act of the state in which the person has its principal place of business if its only clients in this state are:

(A) Federal covered investment advisers, investment advisers registered under this act, or broker-dealers registered under this act;

(B) Institutional investors;

(C) Bona fide preexisting clients whose principal places of residence are not in this state if the investment adviser is registered under the securities act of the state in which the clients maintain principal places of residence; or

(D) Any other client exempted by rule adopted or order issued under this act;

(2) A person without a place of business in this state if the person has had, during the preceding twelve months, not more than five clients that are resident in this state in addition to those specified under paragraph (1); or

(3) Any other person exempted by rule adopted or order issued under this act.

(c) It is unlawful for an investment adviser, directly or indirectly, to employ or associate with an individual to engage in an activity related to investment advice in this state if the registration of the individual is suspended or revoked or the individual is barred from employment or association with an investment adviser, federal covered investment adviser, or broker-dealer by an order under this act, the Securities and Exchange Commission, or a self-regulatory organization, unless the investment adviser did not know, and in the exercise of reasonable care could not have known, of the suspension, revocation, or bar. Upon request from the investment adviser and for good cause, the commissioner, by order, may waive, in whole or in part, the application of the prohibitions of this subsection to the investment adviser.

(d) It is unlawful for an investment adviser to employ or associate with an individual required to be registered under this act as an investment adviser representative who transacts business in this state on behalf of the investment adviser unless the individual is registered under section 409.4-404(a) or is exempt from registration under section 409.4-404(b).

**409.4-404. INVESTMENT ADVISER REPRESENTATIVE REGISTRATION REQUIREMENT AND EXEMPTION.** — (a) It is unlawful for an individual to transact business in this state as an investment adviser representative unless the individual is registered under this act as an investment adviser representative or is exempt from registration as an investment adviser under subsection (b).

(b) The following individuals are exempt from the registration requirement of subsection (a):

(1) An individual who is employed by or associated with an investment adviser that is exempt from registration under section 409.4-403(b) or a federal covered investment adviser that is excluded from the notice filing requirements of section 409.4-405; and

(2) Any other individual exempted by rule adopted or order issued under this act.

(c) The registration of an investment adviser representative is not effective while the investment adviser representative is not employed by or associated with an investment adviser registered under this act or a federal covered investment adviser that has made or is required to make a notice filing under section 409.4-405.

(d) An individual may transact business as an investment adviser representative for more than one investment adviser or federal covered investment adviser unless a rule adopted or order issued under this act prohibits or limits an individual from acting as an investment adviser representative for more than one investment adviser or federal covered investment adviser.

(e) It is unlawful for an individual acting as an investment adviser representative, directly or indirectly, to conduct business in this state on behalf of an investment adviser or a federal covered investment adviser if the registration of the individual as an investment adviser representative is suspended or revoked or the individual is barred from employment or association with an investment adviser or a federal covered investment adviser by an order under this act, the Securities and Exchange Commission, or a self-regulatory organization. Upon request from a federal covered investment adviser and for good cause, the commissioner, by order issued, may waive, in whole or in part, the application of the requirements of this subsection to the federal covered investment adviser.

(f) An investment adviser registered under this act, a federal covered investment adviser that has filed a notice under section 409.4-405, or a broker-dealer registered under this act is not required to employ or associate with an individual as an investment adviser representative if the only compensation paid to the individual for a referral of investment advisory clients is paid to an investment adviser registered under this act, a federal covered investment adviser who has filed a notice under section 409.4-405, or a broker-dealer registered under this act with which the individual is employed or associated as an investment adviser representative.

**409.4-405. FEDERAL COVERED INVESTMENT ADVISER NOTICE FILING REQUIREMENT.** — (a) Except with respect to a federal covered investment adviser described in subsection (b), it is unlawful for a federal covered investment adviser to transact business in this state as a federal covered investment adviser unless the federal covered investment adviser complies with subsection (c).

(b) The following federal covered investment advisers are not required to comply with subsection (c):

(1) A federal covered investment adviser without a place of business in this state if its only clients in this state are:

(A) Federal covered investment advisers, investment advisers registered under this act, and broker-dealers registered under this act;

(B) Institutional investors;

(C) Bona fide preexisting clients whose principal places of residence are not in this state; or

(D) Other clients specified by rule adopted or order issued under this act;

(2) A federal covered investment adviser without a place of business in this state if the person has had, during the preceding twelve months, not more than five clients that are resident in this state in addition to those specified under paragraph (1); and

(3) Any other person excluded by rule adopted or order issued under this act.

(c) A person acting as a federal covered investment adviser, not excluded under subsection (b), shall file a notice, a consent to service of process complying with section 409.6-611, and such records as have been filed with the Securities and Exchange Commission under the Investment Advisers Act of 1940 required by rule adopted or order issued under this act and pay the fees specified in section 409.4-410(e).

(d) The notice under subsection (c) becomes effective upon its filing, and shall expire on December thirty-first each year, unless renewed.

**409.4-406. REGISTRATION BY BROKER-DEALER, AGENT, INVESTMENT ADVISER, AND INVESTMENT ADVISER REPRESENTATIVE.** — (a) A person shall register as a broker-dealer, agent, investment adviser, or investment adviser representative by filing an application and a consent to service of process complying with section 409.6-611, and paying the fee specified in section 409.4-410 and any reasonable fees charged by the designee of the commissioner for processing the filing. The application must contain:

(1) The information or record required for the filing of a uniform application; and

(2) Upon request by the commissioner, any other financial or other information or record that the commissioner determines is appropriate.

(b) If the information or record contained in an application filed under subsection (a) is or becomes inaccurate or incomplete in a material respect, the registrant shall promptly file a correcting amendment.

(c) If an order is not in effect and a proceeding is not pending under section 409.4-412, registration becomes effective at noon on the forty-fifth day after a completed application is filed, unless the registration is denied. A rule adopted or order issued under this act may set an earlier effective date or may defer the effective date until noon on the forty-fifth day after the filing of any amendment completing the application.

(d) A registration is effective until midnight on December thirty-first of the year for which the application for registration is filed. Unless an order is in effect under section 409.4-412, a registration may be automatically renewed each year by filing such records as are required by rule adopted or order issued under this act, by paying the fee specified in section 409.4-410, and by paying costs charged by the designee of the commissioner for processing the filings.

(e) A rule adopted or order issued under this act may impose such other conditions, not inconsistent with the National Securities Markets Improvement Act of 1996. An order issued under this act may waive, in whole or in part, specific requirements in connection with registration as are in the public interest and for the protection of investors.

**409.4-407. SUCCESSION AND CHANGE IN REGISTRATION OF BROKER-DEALER OR INVESTMENT ADVISER.** — (a) A broker-dealer or investment adviser may succeed to the current registration of another broker-dealer or investment adviser or a notice filing of a federal covered investment adviser, and a federal covered investment adviser may succeed to the current registration of an investment adviser or notice filing of another federal covered investment adviser, by filing as a successor an application for registration pursuant to section 409.4-401 or 409.4-403 or a notice pursuant to section 409.4-405 for the unexpired portion of the current registration or notice filing.

(b) A broker-dealer or investment adviser that changes its form of organization or state of incorporation or organization may continue its registration by filing an amendment to its registration if the change does not involve a material change in its financial condition or management. The amendment becomes effective when filed or on a date designated by the registrant in its filing. The new organization is a successor to the original registrant for the purposes of this act. If there is a material change in financial condition or management, the broker-dealer or investment adviser shall file a new application for registration. A predecessor registered under this act shall stop conducting its securities business other than winding down transactions and shall file for withdrawal of broker-dealer or investment adviser registration within forty-five days after filing its amendment to effect succession.

(c) A broker-dealer or investment adviser that changes its name may continue its registration by filing an amendment to its registration. The amendment becomes effective when filed or on a date designated by the registrant.

(d) A change of control of a broker-dealer or investment adviser may be made in accordance with a rule adopted or order issued under this act.

**409.4-408. TERMINATION OF EMPLOYMENT OR ASSOCIATION OF AGENT AND INVESTMENT ADVISER REPRESENTATIVE AND TRANSFER OF EMPLOYMENT OR ASSOCIATION.**

— (a) If an agent registered under this act terminates employment by or association with a broker-dealer or issuer, or if an investment adviser representative registered under this act terminates employment by or association with an investment adviser or federal covered investment adviser, or if either registrant terminates activities that require registration as an agent or investment adviser representative, the broker-dealer, issuer, investment adviser, or federal covered investment adviser shall promptly file a notice of termination. If the registrant learns that the broker-dealer, issuer, investment adviser, or federal covered investment adviser has not filed the notice, the registrant may do so.

(b) If an agent registered under this act terminates employment by or association with a broker-dealer registered under this act and begins employment by or association with another broker-dealer registered under this act; or if an investment adviser representative registered under this act terminates employment by or association with an investment adviser registered under this act; or, if a federal covered investment adviser, who has filed a notice under section 409.4-405 and begins employment by or association with another investment adviser registered under this act; or if a federal covered investment adviser, who has filed a notice under section 409.4-405, upon the filing by or on behalf of the registrant, within thirty days after the termination, of an application for registration that complies with the requirement of section 409.4-406(a) and payment of the filing fee required under section 409.4-410, the registration of the agent or investment adviser representative, is:

(1) Immediately effective as of the date of the completed filing, if the agent's Central Registration Depository record or successor record or the investment adviser representative's Investment Adviser Registration Depository record or successor record does not contain a new or amended disciplinary disclosure within the previous twelve months; or

(2) Temporarily effective as of the date of the completed filing, if the agent's Central Registration Depository record or successor record or the investment adviser representative's Investment Adviser Registration Depository record or successor record contains a new or amended disciplinary disclosure within the preceding twelve months.

(c) The commissioner may by order withdraw a temporary registration if there are or were grounds for discipline as specified in section 409.4-412 and the commissioner does so within thirty days after the filing of the application. If the commissioner does not

withdraw the temporary registration within the thirty-day period, registration becomes automatically effective on the thirty-first day after filing.

(d) The commissioner may by order prevent the effectiveness of a transfer of an agent or investment adviser representative under subsection (b)(1) or (2) based on the public interest and the protection of investors.

(e) If the commissioner determines that a registrant or applicant for registration is no longer in existence or has ceased to act as a broker-dealer, agent, investment adviser, or investment adviser representative, or is the subject of an adjudication of incapacity or is subject to the control of a committee, conservator, or guardian, or cannot reasonably be located, a rule adopted or order issued under this act may require the registration be canceled or terminated or the application denied. The commissioner may reinstate a canceled or terminated registration, with or without hearing, and may make the registration retroactive.

**409.4-409. WITHDRAWAL OF REGISTRATION OF BROKER-DEALER, AGENT, INVESTMENT ADVISER, AND INVESTMENT ADVISER REPRESENTATIVE.** — Withdrawal of registration by a broker-dealer, agent, investment adviser, or investment adviser representative becomes effective sixty days after the filing of the application to withdraw or within any shorter period as provided by rule adopted or order issued under this act unless a revocation or suspension proceeding is pending when the application is filed. If a proceeding is pending, withdrawal becomes effective when and upon such conditions as required by rule adopted or order issued under this act. The commissioner may institute a revocation or suspension proceeding under section 409.4-412 within one year after the withdrawal became effective automatically and issue a revocation or suspension order as of the last date on which registration was effective if a proceeding is not pending.

**409.4-410. FILING FEES.** — (a) A person shall pay a fee of two hundred dollars when initially filing an application for registration as a broker-dealer and a fee of one hundred dollars when filing a renewal of registration as a broker-dealer. If the filing results in a denial or withdrawal, the commissioner shall retain the entire fee.

(b) The fee for an individual is fifty dollars when filing an application for registration as an agent, a fee of fifty dollars when filing a renewal of registration as an agent, and a fee of fifty dollars when filing for a change of registration as an agent. If the filing results in a denial or withdrawal, the commissioner shall retain the entire fee.

(c) A person shall pay a fee of two hundred dollars when filing an application for registration as an investment adviser and a fee of one hundred dollars when filing a renewal of registration as an investment adviser. If the filing results in a denial or withdrawal, the commissioner shall retain the entire fee.

(d) The fee for an individual is fifty dollars when filing an application for registration as an investment adviser representative, a fee of fifty dollars when filing a renewal of registration as an investment adviser representative, and a fee of fifty dollars when filing a change of registration as an investment adviser representative. If the filing results in a denial or withdrawal, the commissioner shall retain the entire fee.

(e) A federal covered investment adviser required to file a notice under section 409.4-405 shall pay an initial fee of two hundred dollars and an annual notice fee of one hundred dollars.

(f) A person required to pay a filing or notice fee under this section may transmit the fee through or to a designee as a rule or order provides under this act.

(g) An investment adviser representative who is registered as an agent under section 409.4-402 and who represents a person that is both registered as a broker-dealer under section 409.4-401 and registered as an investment adviser under section 409.4-403 or required as a federal covered investment adviser to make a notice filing under section

409.4-405 is not required to pay an initial or annual registration fee for registration as an investment adviser representative.

**409.4-411. POSTREGISTRATION REQUIREMENTS.** — (a) Subject to Section 15(h) of the Securities Exchange Act of 1934 (15 U.S.C. Section 78o(h)) or Section 222 of the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-22), a rule adopted or order issued under this act may establish minimum financial requirements for broker-dealers registered or required to be registered under this act and investment advisers registered or required to be registered under this act.

(b) Subject to Section 15(h) of the Securities Exchange Act of 1934 (15 U.S.C. Section 78o(h)) or Section 222(b) of the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-22), a broker-dealer registered or required to be registered under this act and an investment adviser registered or required to be registered under this act shall file such financial reports as are required by a rule adopted or order issued under this act. If the information contained in a record filed under this subsection is or becomes inaccurate or incomplete in a material respect, the registrant shall promptly file a correcting amendment.

(c) Subject to Section 15(h) of the Securities Exchange Act of 1934 (15 U.S.C. Section 78o(h)) or Section 222 of the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-22):

(1) A broker-dealer registered or required to be registered under this act and an investment adviser registered or required to be registered under this act shall make and maintain the accounts, correspondence, memoranda, papers, books, and other records required by rule adopted or order issued under this act;

(2) Broker-dealer records required to be maintained under paragraph (1) may be maintained in any form of data storage acceptable under Section 17(a) of the Securities Exchange Act of 1934 (15 U.S.C. Section 78q(a)) if they are readily accessible to the commissioner; and

(3) Investment adviser records required to be maintained under paragraph (1) may be maintained in any form of data storage required by rule adopted or order issued under this act.

(d) The records of a broker-dealer registered or required to be registered under this act and of an investment adviser registered or required to be registered under this act are subject to such reasonable periodic, special, or other audits or inspections by a representative of the commissioner, within or without this state, as the commissioner considers necessary or appropriate in the public interest and for the protection of investors. An audit or inspection may be made at any time and without prior notice. The commissioner may copy, and remove for audit or inspection copies of, all records the commissioner reasonably considers necessary or appropriate to conduct the audit or inspection. The commissioner may assess a reasonable charge for conducting an audit or inspection under this subsection.

(e) Subject to Section 15(h) of the Securities Exchange Act of 1934 (15 U.S.C. Section 78o(h)) or Section 222 of the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-22), a rule adopted or order issued under this act may require a broker-dealer or investment adviser that has custody of or discretionary authority over funds or securities of a customer or client to obtain insurance or post a bond or other satisfactory form of security in an amount not to exceed twenty-five thousand dollars. The commissioner may determine the requirements of the insurance, bond, or other satisfactory form of security. Insurance or a bond or other satisfactory form of security may not be required of a broker-dealer registered under this act whose net capital exceeds, or of an investment adviser registered under this act whose minimum financial requirements exceed, the amounts required by rule or order under this act. The insurance, bond, or other satisfactory form of security must permit an action by a person to enforce any liability on

the insurance, bond, or other satisfactory form of security if instituted within the time limitations in section 409.5-509(j)(2).

(f) Subject to Section 15(h) of the Securities Exchange Act of 1934 (15 U.S.C. Section 78o(h)) or Section 222 of the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-22), an agent may not have custody of funds or securities of a customer except under the supervision of a broker-dealer and an investment adviser representative may not have custody of funds or securities of a client except under the supervision of an investment adviser or a federal covered investment adviser. A rule adopted or order issued under this act may prohibit, limit, or impose conditions on a broker-dealer regarding custody of funds or securities of a customer and on an investment adviser regarding custody of securities or funds of a client.

(g) With respect to an investment adviser registered or required to be registered under this act, a rule adopted or order issued under this act may require that information or other record be furnished or disseminated to clients or prospective clients in this state as necessary or appropriate in the public interest and for the protection of investors and advisory clients.

(h) A rule adopted or order issued under this act may require an individual registered under section 409.4-402 or 409.4-404 to participate in a continuing education program approved by the Securities and Exchange Commission and administered by a self-regulatory organization or, in the absence of such a program, a rule adopted or order issued under this act may require continuing education for an individual registered under section 409.4-404.

**409.4-412. DENIAL, REVOCATION, SUSPENSION, WITHDRAWAL, RESTRICTION, CONDITION, OR LIMITATION OF REGISTRATION.** — (a) If the commissioner finds that the order is in the public interest and subsection (d) authorizes the action, an order issued under this act may deny an application, or may condition or limit registration: (1) of an applicant to be a broker-dealer, agent, investment adviser, or investment adviser representative, and (2) if the applicant is a broker-dealer or investment adviser, of any partner, officer, director, person having a similar status or performing similar functions, or person directly or indirectly controlling the broker-dealer or investment adviser.

(b) If the commissioner finds that the order is in the public interest and subsection (d) authorizes the action an order issued under this act may revoke, suspend, condition, or limit the registration of a registrant and if the registrant is a broker-dealer or investment adviser, any partner, officer, or director, any person having a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer or investment adviser. However, the commissioner:

(1) May not institute a revocation or suspension proceeding under this subsection based on an order issued by another state that is reported to the commissioner or designee later than one year after the date of the order on which it is based; and

(2) Under subsection (d)(5)(A) and (B), may not issue an order on the basis of an order under the state securities act of another state unless the other order was based on conduct for which subsection (d) would authorize the action had the conduct occurred in this state.

(c) If the commissioner finds that the order is in the public interest and subsection (d)(1) to (6), (8), (9), (10), or (12) and (13) authorizes the action, an order under this act may censure, impose a bar, or impose a civil penalty in an amount not to exceed a maximum of five thousand dollars for a single violation or fifty thousand dollars for several violations on a registrant and if the registrant is a broker-dealer or investment adviser, any partner, officer, or director, any person having similar functions or any person directly or indirectly controlling the broker-dealer or investment adviser.

(d) A person may be disciplined under subsections (a) to (c) if the person:

(1) Has filed an application for registration in this state under this act or the predecessor act within the previous ten years, which, as of the effective date of registration or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained a statement that, in light of the circumstances under which it was made, was false or misleading with respect to a material fact;

(2) Willfully violated or willfully failed to comply with this act or the predecessor act or a rule adopted or order issued under this act or the predecessor act within the previous ten years;

(3) Has been convicted of a felony or within the previous ten years has been convicted of a misdemeanor involving a security, a commodity future or option contract, or an aspect of a business involving securities, commodities, investments, franchises, insurance, banking, or finance;

(4) Is enjoined or restrained by a court of competent jurisdiction in an action instituted by the commissioner under this act or the predecessor act, a state, the Securities and Exchange Commission, or the United States from engaging in or continuing an act, practice, or course of business involving an aspect of a business involving securities, commodities, investments, franchises, insurance, banking, or finance;

(5) Is the subject of an order, issued after notice and opportunity for hearing by:

(A) The securities, depository institution, insurance, or other financial services regulator of a state or by the Securities and Exchange Commission or other federal agency denying, revoking, barring, or suspending registration as a broker-dealer, agent, investment adviser, federal covered investment adviser, or investment adviser representative;

(B) The securities regulator of a state or by the Securities and Exchange Commission against a broker-dealer, agent, investment adviser, investment adviser representative, or federal covered investment adviser;

(C) The Securities and Exchange Commission or by a self-regulatory organization suspending or expelling the registrant from membership in the self-regulatory organization;

(D) A court adjudicating a United States Postal Service fraud order;

(E) The insurance regulator of a state denying, suspending, or revoking the registration of an insurance agent; or

(F) A depository institution regulator suspending or barring a person from the depository institution business;

(6) Is the subject of an adjudication or determination, after notice and opportunity for hearing, by the Securities and Exchange Commission, the Commodity Futures Trading Commission; the Federal Trade Commission; a federal depository institution regulator, or a depository institution, insurance, or other financial services regulator of a state that the person willfully violated the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, or the Commodity Exchange Act, the securities or commodities law of a state, or a federal or state law under which a business involving investments, franchises, insurance, banking, or finance is regulated;

(7) Is insolvent, either because the person's liabilities exceed the person's assets or because the person cannot meet the person's obligations as they mature, but the commissioner may not enter an order against an applicant or registrant under this paragraph without a finding of insolvency as to the applicant or registrant;

(8) Refuses to allow or otherwise impedes the commissioner from conducting an audit or inspection under section 409.4-411(d) or refuses access to a registrant's office to conduct an audit or inspection under section 409.4-411(d);

(9) Has failed to reasonably supervise an agent, investment adviser representative, or other individual, if the agent, investment adviser representative, or other individual was

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subject to the person's supervision and committed a violation of this act or the predecessor act or a rule adopted or order issued under this act or the predecessor act within the previous ten years;

(10) Has not paid the proper filing fee within thirty days after having been notified by the commissioner of a deficiency, but the commissioner shall vacate an order under this paragraph when the deficiency is corrected;

(11) After notice and opportunity for a hearing, has been found within the previous ten years:

(A) By a court of competent jurisdiction to have willfully violated the laws of a foreign jurisdiction under which the business of securities, commodities, investment, franchises, insurance, banking, or finance is regulated;

(B) To have been the subject of an order of a securities regulator of a foreign jurisdiction denying, revoking, or suspending the right to engage in the business of securities as a broker-dealer, agent, investment adviser, investment adviser representative, or similar person; or

(C) To have been suspended or expelled from membership by or participation in a securities exchange or securities association operating under the securities laws of a foreign jurisdiction;

(12) Is the subject of a cease and desist order issued by the Securities and Exchange Commission or issued under the securities, commodities, investment, franchise, banking, finance, or insurance laws of a state;

(13) Has engaged in dishonest or unethical practices in the securities, commodities, investment, franchise, banking, finance, or insurance business within the previous ten years; or

(14) Is not qualified on the basis of factors such as training, experience, and knowledge of the securities business. However, in the case of an application by an agent for a broker-dealer that is a member of a self-regulatory organization or by an individual for registration as an investment adviser representative, a denial order may not be based on this paragraph if the individual has successfully completed all examinations required by subsection (e). The commissioner may require an applicant for registration under section 409.4-402 or 409.4-404 who has not been registered in a state within the two years preceding the filing of an application in this state to successfully complete an examination.

(e) A rule adopted or order issued under this act may require that an examination, including an examination developed or approved by an organization of securities regulators, be successfully completed by a class of individuals or all individuals. An order issued under this act may waive, in whole or in part, an examination as to an individual and a rule adopted under this act may waive, in whole or in part, an examination as to a class of individuals if the commissioner determines that the examination is not necessary or appropriate in the public interest and for the protection of investors.

(f) The commissioner may suspend or deny an application summarily; restrict, condition, limit, or suspend a registration; or censure, bar, or impose a civil penalty on a registrant before final determination of an administrative proceeding. Upon the issuance of an order, the commissioner shall promptly notify each person subject to the order that the order has been issued, the reasons for the action, and that within fifteen days after the receipt of a request in a record from the person the matter will be scheduled for a hearing. If a hearing is not requested and none is ordered by the commissioner within thirty days after the date of service of the order, the order becomes final by operation of law. If a hearing is requested or ordered, the commissioner, after notice of and opportunity for hearing to each person subject to the order, may modify or vacate the order or extend the order until final determination.

(g) An order issued may not be issued under this section, except under subsection (f), without:

- (1) Appropriate notice to the applicant or registrant;
- (2) Opportunity for hearing; and
- (3) Findings of fact and conclusions of law in a record.

(h) A person that controls, directly or indirectly, a person not in compliance with this section may be disciplined by order of the commissioner under subsections (a) to (c) to the same extent as the noncomplying person, unless the controlling person did not know, and in the exercise of reasonable care could not have known, of the existence of conduct that is a ground for discipline under this section.

(i) The commissioner may not institute a proceeding under subsection (a), (b), or (c) based solely on material facts actually known by the commissioner unless an investigation or the proceeding is instituted within one year after the commissioner actually acquires knowledge of the material facts.

(j) Any applicant denied an agent, broker-dealer, investment adviser or investment adviser representative registration by order of the commissioner pursuant to subsection (a) may file a petition with the administrative hearing commission alleging that the commissioner has denied the registration. The administrative hearing commission shall conduct hearings and make findings of fact and conclusions of law. The commissioner shall have the burden of proving a ground for denial pursuant to this act.

(k) If a proceeding is instituted to revoke or suspend a registration of any agent, broker-dealer, investment adviser, or investment adviser representative pursuant to subsection (b), the commissioner shall refer the matter to the administrative hearing commission. The administrative hearing commission shall conduct hearings and make findings of fact and conclusions of law in such cases. The commissioner shall have the burden of proving a ground for suspension or revocation pursuant to this act. The administrative hearing commission shall submit its findings of fact and conclusions of law to the commissioner for final disposition.

(l) Hearing procedures before the commissioner or the administrative hearing commission and judicial review of the decisions and orders of the commissioner and of the administrative hearing commission, and all other procedural matters pursuant to this act shall be governed by the provisions of chapter 536, RSMo. Hearings before the administrative hearing commission shall also be governed by the provisions of chapter 621, RSMo.

**409.5-501. GENERAL FRAUD.** — It is unlawful for a person, in connection with the offer, sale, or purchase of a security, directly or indirectly:

- (1) To employ a device, scheme, or artifice to defraud;
- (2) To make an untrue statement of a material fact or to omit to state a material fact necessary in order to make the statement made, in the light of the circumstances under which it is made, not misleading; or
- (3) To engage in an act, practice, or course of business that operates or would operate as a fraud or deceit upon another person.

**409.5-502. PROHIBITED CONDUCT IN PROVIDING INVESTMENT ADVICE.** — (a) It is unlawful for a person that advises others for compensation, either directly or indirectly or through publications or writings, as to the value of securities or the advisability of investing in, purchasing, or selling securities or that, for compensation and as part of a regular business, issues or promulgates analyses or reports relating to securities:

- (1) To employ a device, scheme, or artifice to defraud another person; or
- (2) To engage in an act, practice, or course of business that operates or would operate as a fraud or deceit upon another person.

(b) A rule adopted under this act may define an act, practice, or course of business of an investment adviser or an investment adviser representative, other than a supervised

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person of a federal covered investment adviser, as fraudulent, deceptive, or manipulative, and prescribe means reasonably designed to prevent investment advisers and investment adviser representatives, other than supervised persons of a federal covered investment adviser, from engaging in acts, practices, and courses of business defined as fraudulent, deceptive, or manipulative.

(c) A rule adopted under this act may specify the contents of an investment advisory contract entered into, extended, or renewed by an investment adviser.

**409.5-503. EVIDENTIARY BURDEN.** — (a) In a civil action or administrative proceeding under this act, a person claiming an exemption, exception, preemption, or exclusion has the burden to prove the applicability of the claim.

(b) In a criminal proceeding under this act, a person claiming an exception or exclusion from definition has the burden of injecting the issue pursuant to section 556.051, RSMo, and a person claiming an exemption or qualification as a federal covered security has the burden of proving the claim as an affirmative defense pursuant to section 556.056, RSMo.

**409.5-504. FILING OF SALES AND ADVERTISING LITERATURE.** — (a) Except as otherwise provided in subsection (b), a rule adopted or order issued under this act may require the filing of a prospectus, pamphlet, circular, form letter, advertisement, sales literature, or other advertising record relating to a security or investment advice, addressed or intended for distribution to prospective investors, including clients or prospective clients of a person registered or required to be registered as an investment adviser under this act.

(b) This section does not apply to sales and advertising literature specified in subsection (a) which relates to a federal covered security, a federal covered investment adviser, or a security or transaction exempted by section 409.2-201, 409.2-202, or 409.2-203 except as required pursuant to section 409.2-201(7).

**409.5-505. MISLEADING FILINGS.** — It is unlawful for a person to make or cause to be made, in a record that is used in an action or proceeding or filed under this act, a statement that, at the time and in the light of the circumstances under which it is made, is false or misleading in a material respect, or, in connection with the statement, to omit to state a material fact necessary to make the statement made, in the light of the circumstances under which it was made, not false or misleading.

**409.5-506. MISREPRESENTATIONS CONCERNING REGISTRATION OR EXEMPTION.** — The filing of an application for registration, a registration statement, a notice filing under this act, the registration of a person, the notice filing by a person, or the registration of a security under this act does not constitute a finding by the commissioner that a record filed under this act is true, complete, and not misleading. The filing or registration or the availability of an exemption, exception, preemption, or exclusion for a security or a transaction does not mean that the commissioner has passed upon the merits or qualifications of, or recommended or given approval to, a person, security, or transaction. It is unlawful to make, or cause to be made, to a purchaser, customer, client, or prospective customer or client a representation inconsistent with this section.

**409.5-507. QUALIFIED IMMUNITY.** — A broker-dealer, agent, investment adviser, federal covered investment adviser, or investment adviser representative is not liable to another broker-dealer, agent, investment adviser, federal covered investment adviser, or investment adviser representative for defamation relating to a statement that is contained in a record required by the commissioner, or designee of the commissioner, the Securities

and Exchange Commission, or a self-regulatory organization, unless the person knew, or should have known at the time that the statement was made, that it was false in a material respect or the person acted in reckless disregard of the statement's truth or falsity.

**409.5-508. CRIMINAL PENALTIES.** — (a) A person that willfully violates this act, or a rule adopted or order issued under this act, except Section 409.5-504 or the notice filing requirements of section 409.3-302 or 409.4-405, or that willfully violates section 409.5-505 knowing the statement made to be false or misleading in a material respect, upon conviction, shall be fined not more than one million dollars or imprisoned not more than ten years, or both. An individual convicted of violating a rule or order under this act may be fined, but may not be imprisoned, if the individual did not have knowledge of the rule or order.

(b) The attorney general or the proper prosecuting attorney with or without a reference from the commissioner, may institute criminal proceedings under this act.

(c) This act does not limit the power of this state to punish a person for conduct that constitutes a crime under other laws of this state.

**409.5-509. CIVIL LIABILITY.** — (a) Enforcement of civil liability under this section is subject to the Securities Litigation Uniform Standards Act of 1998.

(b) A person is liable to the purchaser if the person sells a security in violation of section 409.3-301 or, by means of an untrue statement of a material fact or an omission to state a material fact necessary in order to make the statement made, in light of the circumstances under which it is made, not misleading, the purchaser not knowing the untruth or omission and the seller not sustaining the burden of proof that the seller did not know and, in the exercise of reasonable care, could not have known of the untruth or omission. An action under this subsection is governed by the following:

(1) The purchaser may maintain an action to recover the consideration paid for the security, less the amount of any income received on the security, and interest at the rate of eight percent per year from the date of the purchase, costs, and reasonable attorneys' fees determined by the court, upon the tender of the security, or for actual damages as provided in paragraph (3).

(2) The tender referred to in paragraph (1) may be made any time before entry of judgment. Tender requires only notice in a record of ownership of the security and willingness to exchange the security for the amount specified. A purchaser that no longer owns the security may recover actual damages as provided in paragraph (3).

(3) Actual damages in an action arising under this subsection are the amount that would be recoverable upon a tender less the value of the security when the purchaser disposed of it, and interest at the rate of eight percent per year from the date of the purchase, costs, and reasonable attorneys' fees determined by the court.

(c) A person is liable to the seller if the person buys a security by means of an untrue statement of a material fact or omission to state a material fact necessary in order to make the statement made, in light of the circumstances under which it is made, not misleading, the seller not knowing of the untruth or omission, and the purchaser not sustaining the burden of proof that the purchaser did not know, and in the exercise of reasonable care, could not have known of the untruth or omission. An action under this subsection is governed by the following:

(1) The seller may maintain an action to recover the security, and any income received on the security, costs, and reasonable attorneys' fees determined by the court, upon the tender of the purchase price, or for actual damages as provided in paragraph (3).

(2) The tender referred to in paragraph (1) may be made any time before entry of judgment. Tender requires only notice in a record of the present ability to pay the

amount tendered and willingness to take delivery of the security for the amount specified. If the purchaser no longer owns the security, the seller may recover actual damages as provided in paragraph (3).

(3) Actual damages in an action arising under this subsection is the difference between the price at which the security was sold and the value the security would have had at the time of the sale in the absence of the purchaser's conduct causing liability, and interest at the rate of eight percent per year from the date of the sale of the security, costs, and reasonable attorneys' fees determined by the court.

(d) A person acting as a broker-dealer or agent that sells or buys a security in violation of section 409.4-401(a), 409.4-402(a), or 409.5-506 is liable to the customer. The customer, if a purchaser, may maintain an action for recovery of actual damages as specified in subsections (b)(1) to (3), or, if a seller, for a remedy as specified in subsections (c)(1) to (3).

(e) A person acting as an investment adviser or investment adviser representative that provides investment advice for compensation in violation of section 409.4-403(a), 409.4-404(a), or 409.5-506 is liable to the client. The client may maintain an action to recover the consideration paid for the advice, interest at the rate of eight percent per year from the date of payment, costs, and reasonable attorneys' fees determined by the court.

(f) A person that receives directly or indirectly any consideration for providing investment advice to another person and that employs a device, scheme, or artifice to defraud the other person or engages in an act, practice, or course of business that operates or would operate as a fraud or deceit on the other person, is liable to the other person. An action under this subsection is governed by the following:

(1) The person defrauded may maintain an action to recover the consideration paid for the advice and the amount of any actual damages caused by the fraudulent conduct, interest at the rate of eight percent per year from the date of the fraudulent conduct, costs, and reasonable attorneys' fees determined by the court, less the amount of any income received as a result of the fraudulent conduct.

(2) This subsection does not apply to a broker-dealer or its agents if the investment advice provided is solely incidental to transacting business as a broker-dealer and no special compensation is received for the investment advice.

(g) The following persons are liable jointly and severally with and to the same extent as persons liable under subsections (b) to (f):

(1) A person that directly or indirectly controls a person liable under subsections (b) to (f), unless the controlling person sustains the burden of proof that the person did not know, and in the exercise of reasonable care could not have known, of the existence of conduct by reason of which the liability is alleged to exist;

(2) An individual who is a managing partner, executive officer, or director of a person liable under subsections (b) to (f), including an individual having a similar status or performing similar functions, unless the individual sustains the burden of proof that the individual did not know and, in the exercise of reasonable care could not have known, of the existence of conduct by reason of which the liability is alleged to exist;

(3) An individual who is an employee of or associated with a person liable under subsections (b) to (f) and who materially aids the conduct giving rise to the liability, unless the individual sustains the burden of proof that the individual did not know and, in the exercise of reasonable care could not have known, of the existence of conduct by reason of which the liability is alleged to exist; and

(4) A person that is a broker-dealer, agent, investment adviser, or investment adviser representative that materially aids the conduct giving rise to the liability under subsections (b) to (f), unless the person sustains the burden of proof that the person did not know and, in the exercise of reasonable care could not have known, of the existence of conduct by reason of which liability is alleged to exist.

(h) A person liable under this section has a right of contribution as in cases of contract against any other person liable under this section for the same conduct.

(i) A cause of action under this section survives the death of an individual who might have been a plaintiff or defendant.

(j) A person may not obtain relief:

(1) Under subsection (b) for violation of section 409.3-301, or under subsection (d) or (e), unless the action is instituted within one year after the violation occurred; or

(2) Under subsection (b), other than for violation of section 409.3-301, or under subsection (c) or (f), unless the action is instituted within the earlier of two years after discovery of the facts constituting the violation or five years after the violation.

(k) A person that has made, or has engaged in the performance of, a contract in violation of this act or a rule adopted or order issued under this act, or that has acquired a purported right under the contract with knowledge of conduct by reason of which its making or performance was in violation of this act, may not base an action on the contract.

(l) A condition, stipulation, or provision binding a person purchasing or selling a security or receiving investment advice to waive compliance with this act or a rule adopted or order issued under this act is void.

(m) The rights and remedies provided by this act are in addition to any other rights or remedies that may exist, but this act does not create a cause of action not specified in this section or section 409.4-411(e).

**409.5-510. RESCISSION OFFERS.** — A purchaser, seller, or recipient of investment advice may not maintain an action under section 409.5-509 if:

(1) The purchaser, seller, or recipient of investment advice receives in a record, before the action is instituted:

(A) An offer stating the respect in which liability under section 409.5-509 may have arisen and fairly advising the purchaser, seller, or recipient of investment advice of that person's rights in connection with the offer, and any financial or other information necessary to correct all material misrepresentations or omissions in the information that was required by this act to be furnished to that person at the time of the purchase, sale, or investment advice;

(B) If the basis for relief under this section may have been a violation of section 409.5-509(b), an offer to repurchase the security for cash, payable on delivery of the security, equal to the consideration paid, and interest at the rate of eight percent per year from the date of the purchase, less the amount of any income received on the security, or, if the purchaser no longer owns the security, an offer to pay the purchaser upon acceptance of the offer damages in an amount that would be recoverable upon a tender, less the value of the security when the purchaser disposed of it, and interest at the rate of eight percent per year from the date of the purchase in cash equal to the damages computed in the manner provided in this subsection;

(C) If the basis for relief under this section may have been a violation of section 409.5-509(c), an offer to tender the security, on payment by the seller of an amount equal to the purchase price paid, less income received on the security by the purchaser and interest at the rate of eight percent per year from the date of the sale; or if the purchaser no longer owns the security, an offer to pay the seller upon acceptance of the offer, in cash, damages in the amount of the difference between the price at which the security was purchased and the value the security would have had at the time of the purchase in the absence of the purchaser's conduct that may have caused liability and interest at the rate of eight percent per year from the date of the sale;

(D) If the basis for relief under this section may have been a violation of section 409.5-509(d); and if the customer is a purchaser, an offer to pay as specified in subparagraph

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(B); or, if the customer is a seller, an offer to tender or to pay as specified in subparagraph (C);

(E) If the basis for relief under this section may have been a violation of section 409.5-509(e), an offer to reimburse in cash the consideration paid for the advice and interest at the rate of eight percent per year from the date of payment; or

(F) If the basis for relief under this section may have been a violation of section 409.5-509(f), an offer to reimburse in cash the consideration paid for the advice, the amount of any actual damages that may have been caused by the conduct, and interest at the rate of eight percent per year from the date of the violation causing the loss;

(2) The offer under paragraph (1) states that it must be accepted by the purchaser, seller, or recipient of investment advice within thirty days after the date of its receipt by the purchaser, seller, or recipient of investment advice or any shorter period, of not less than three days, that the commissioner, by order, specifies;

(3) The offeror has the present ability to pay the amount offered or to tender the security under paragraph (1);

(4) The offer under paragraph (1) is delivered to the purchaser, seller, or recipient of investment advice, or sent in a manner that ensures receipt by the purchaser, seller, or recipient of investment advice; and

(5) The purchaser, seller, or recipient of investment advice that accepts the offer under paragraph (1) in a record within the period specified under paragraph (2) is paid in accordance with the terms of the offer.

**409.6-601. ADMINISTRATION.** — (a) This act shall be administered by the commissioner of securities who shall be appointed by and act under the direction of the secretary of state, and shall receive compensation as provided by law.

(b) The attorney general shall appear on behalf of and represent the commissioner in all proceedings before the administrative hearing commission, and in the circuit court of any county of the state or any city not within a county, or any court of another state in all civil enforcement actions brought under this act. The attorney general may appoint attorneys employed by the secretary of state as special assistant attorneys general to appear on behalf of and represent the commissioner.

(c) It is unlawful for the secretary of state, commissioner or an officer, employee, or designee of the commissioner to use for personal benefit or the benefit of others records or other information obtained by or filed with the commissioner that are not public under section 409.6-607(b). This act does not authorize the secretary of state, commissioner or an officer, employee, or designee of the commissioner to disclose the record or information, except in accordance with section 409.6-602, 409.6-607(c), or 409.6-608.

(d) This act does not create or diminish a privilege or exemption that exists at common law, by statute or rule, or otherwise.

(e) The commissioner may develop and implement investor education initiatives to inform the public about investing in securities, with particular emphasis on the prevention and detection of securities fraud. In developing and implementing these initiatives, the commissioner may collaborate with public and nonprofit organizations with an interest in investor education. The commissioner may accept a grant or donation from a person that is not affiliated with the securities industry or from a nonprofit organization, regardless of whether the organization is affiliated with the securities industry, to develop and implement investor education initiatives. This subsection does not authorize the commissioner to require participation or monetary contributions of a registrant in an investor education program.

(f) The "Investor Education and Protection Fund" is created to provide funds for the purposes identified in subsection (e). Notwithstanding the provisions of section 33.080,

RSMo, any funds remaining in the secretary of state's investor education and protection fund at the end of any biennium shall not be transferred to the general revenue fund.

**409.6-602. INVESTIGATIONS AND SUBPOENAS. — (a) The commissioner may:**

(1) Conduct public or private investigations within or outside of this state which the commissioner considers necessary or appropriate to determine whether a person has violated, is violating, or is about to violate this act or a rule adopted or order issued under this act, or to aid in the enforcement of this act or in the adoption of rules and forms under this act;

(2) Require or permit a person to testify, file a statement, or produce a record, under oath or otherwise as the commissioner determines, as to all the facts and circumstances concerning a matter to be investigated or about which an action or proceeding is to be instituted;

(3) Publish a record concerning an action, proceeding, or an investigation under, or a violation of, this act or a rule adopted or order issued under this act if the commissioner determines it is necessary or appropriate in the public interest and for the protection of investors; and

(4) Appoint special investigators to aid in investigations conducted pursuant to this act. Under such appointment by the commissioner, special investigators who meet the qualifications of a law enforcement officer pursuant to chapter 590, RSMo, shall have the authority as peace officers to serve subpoenas and all other process, and while investigating criminal violations of this act to participate in the making of arrests and the application for search warrants. Such special investigators shall coordinate arrests and seizure of evidence with other state or federal law enforcement officers.

(b) For the purpose of an investigation under this act, the commissioner or its designated officer may administer oaths and affirmations, subpoena witnesses, seek compulsion of attendance, take evidence, require the filing of statements, and require the production of any records that the commissioner considers relevant or material to the investigation.

(c) If a person does not appear or refuses to testify, file a statement, produce records, or otherwise does not obey a subpoena as required by the commissioner under this act, the commissioner may apply to the circuit court of any county of the state or any city not within a county, or a court of another state to enforce compliance. The court may:

(1) Hold the person in contempt;

(2) Order the person to appear before the commissioner;

(3) Order the person to testify about the matter under investigation or in question;

(4) Order the production of records;

(5) Grant injunctive relief, including restricting or prohibiting the offer or sale of securities or the providing of investment advice;

(6) Impose a civil penalty of not less than ten thousand dollars and not greater than fifty thousand dollars for each violation; and

(7) Grant any other necessary or appropriate relief.

(d) This section does not preclude a person from applying to the circuit court of any county of the state or any city not within a county for relief from a request to appear, testify, file a statement, produce records, or obey a subpoena.

(e) An individual is not excused from attending, testifying, filing a statement, producing a record or other evidence, or obeying a subpoena of the commissioner under this act or in an action or proceeding instituted by the commissioner under this act on the grounds that the required testimony, statement, record, or other evidence, directly or indirectly, may tend to incriminate the individual or subject the individual to a criminal fine, penalty, or forfeiture. If the individual refuses to testify, file a statement, or produce a record or other evidence on the basis of the individual's privilege against self-

incrimination, the commissioner may apply to the circuit court of any county of the state or any city not within a county to compel the testimony, the filing of the statement, the production of the record, or the giving of other evidence. The testimony, record, or other evidence compelled under such an order may not be used, directly or indirectly, against the individual in a criminal case, except in a prosecution for perjury or contempt or otherwise failing to comply with the order.

(f) At the request of the securities regulator of another state or a foreign jurisdiction, the commissioner may provide assistance if the requesting regulator states that it is conducting an investigation to determine whether a person has violated, is violating, or is about to violate a law or rule of the other state or foreign jurisdiction relating to securities matters that the requesting regulator administers or enforces. The commissioner may provide the assistance by using the authority to investigate and the powers conferred by this section as the commissioner determines is necessary or appropriate. The assistance may be provided without regard to whether the conduct described in the request would also constitute a violation of this act or other law of this state if occurring in this state. In deciding whether to provide the assistance, the commissioner may consider whether the requesting regulator is permitted and has agreed to provide assistance reciprocally within its state or foreign jurisdiction to the commissioner on securities matters when requested; whether compliance with the request would violate or prejudice the public policy of this state; and the availability of resources and employees of the commissioner to carry out the request for assistance.

**409.6-603. CIVIL ENFORCEMENT.** — (a) If the commissioner believes that a person has engaged, is engaging, or is about to engage in an act, practice, or course of business constituting a violation of this act or a rule adopted or order issued under this act or that a person has, is, or is about to engage in an act, practice, or course of business that materially aids a violation of this act or a rule adopted or order issued under this act, the commissioner may maintain an action in the circuit court of any county of the state or any city not within a county to enjoin the act, practice, or course of business and to enforce compliance with this act or a rule adopted or order issued under this act.

(b) In an action under this section and on a proper showing, the court may:

(1) Issue a permanent or temporary injunction, restraining order, or declaratory judgment;

(2) Order other appropriate or ancillary relief, which may include:

(A) An asset freeze, accounting, writ of attachment, writ of general or specific execution, and appointment of a receiver or conservator, that may be the commissioner, for the defendant or the defendant's assets;

(B) Ordering the commissioner to take charge and control of a defendant's property, including investment accounts and accounts in a depository institution, rents, and profits; to collect debts; and to acquire and dispose of property;

(C) Imposing a civil penalty up to ten thousand dollars for a single violation or up to one million dollars for more than one violation; an order of rescission, restitution, or disgorgement directed to a person that has engaged in an act, practice, or course of business constituting a violation of this act or the predecessor act or a rule adopted or order issued under this act or the predecessor act;

(D) Ordering the payment of prejudgment and post-judgment interest; and

(E) Ordering the payment to the investor education and protection fund of an amount equal to ten percent of the total rescission, restitution, or disgorgement ordered, or such other amount as awarded by the court; or

(3) Order such other relief as the court considers appropriate.

(c) The commissioner may not be required to post a bond in an action or proceeding under this act.

(d) The commissioner is authorized to enter into a consent injunction and judgment in the settlement of any proceeding in the public interest under this act.

(e) The commissioner may create an "Investor Restitution Fund" for the purpose of preserving and distributing to aggrieved investors, disgorgement or restitution funds obtained through enforcement proceedings under this act. In addition to the equitable powers of the court authorized above, the court may order that such funds be paid into the investor restitution fund for distribution to aggrieved investors. It shall be the duty of the commissioner to distribute such funds to those persons injured by the unlawful acts, practices, or courses of business. Such funds may or may not be in interest-bearing accounts, but any interest, which accrues to any such account, shall be paid to the credit of the investor education and protection fund. Notwithstanding the provisions of section 33.080, RSMo, any funds remaining in the secretary of state's investor restitution fund at the end of any biennium shall not be transferred to the general revenue fund, but if the commissioner is unable with reasonable efforts to ascertain the aggrieved investors, then the funds may be transferred to the investor education and protection fund.

**409.6-604. ADMINISTRATIVE ENFORCEMENT.** — (a) If the commissioner determines that a person has engaged, is engaging, or is about to engage in an act, practice, or course of business constituting a violation of this act or a rule adopted or order issued under this act or that a person has materially aided, is materially aiding, or is about to materially aid an act, practice, or course of business constituting a violation of this act or a rule adopted or order issued under this act, the commissioner may:

(1) Issue an order directing the person to cease and desist from engaging in the act, practice, or course of business or to take other action necessary or appropriate to comply with this act;

(2) Issue an order denying, suspending, revoking, or conditioning the exemptions for a broker-dealer under section 409.4-401(b)(1)(D) or (F) or an investment adviser under section 409.4-403(b)(1)(C); or

(3) Issue an order under section 409.2-204.

(b) An order under subsection (a) is effective on the date of issuance. Upon issuance of the order, the commissioner shall promptly serve each person subject to the order with a copy of the order and a notice that the order has been entered. The order must include a statement whether the commissioner will seek a civil penalty or costs of the investigation, a statement of the reasons for the order, and notice that, within fifteen days after receipt of a request in a record from the person, the matter will be scheduled for a hearing. If a person subject to the order does not request a hearing and none is ordered by the commissioner within thirty days after the date of service of the order, the order becomes final as to that person by operation of law. If a hearing is requested or ordered, the commissioner, after notice of and opportunity for hearing to each person subject to the order, may modify or vacate the order or extend it until final determination.

(c) If a hearing is requested or ordered pursuant to subsection (b), a hearing before the commissioner must be provided. A final order may not be issued unless the commissioner makes findings of fact and conclusions of law in a record in accordance with the provisions of chapter 536, RSMo, and procedural rules promulgated by the commissioner. The final order may make final, vacate, or modify the order issued under subsection (a).

(d) In a final order under subsection (c), the commissioner may impose a civil penalty up to one thousand dollars for a single violation or up to ten thousand dollars for more than one violation.

(e) In a final order, the commissioner may charge the actual cost of an investigation or proceeding for a violation of this act or a rule adopted or order issued under this act. These funds may be paid into the investor education and protection fund.

(f) If a petition for judicial review of a final order is not filed in accordance with section 409.6-609, the commissioner may file a certified copy of the final order with the clerk of a court of competent jurisdiction. The order so filed has the same effect as a judgment of the court and may be recorded, enforced, or satisfied in the same manner as a judgment of the court.

(g) If a person does not comply with an order under this section, the commissioner may petition a court of competent jurisdiction to enforce the order. The court may not require the commissioner to post a bond in an action or proceeding under this section. If the court finds, after service and opportunity for hearing, that the person was not in compliance with the order, the court may adjudge the person in civil contempt of the order. The court may impose a further civil penalty against the person for contempt in an amount not less than five thousand dollars but not greater than one hundred thousand dollars for each violation and may grant any other relief the court determines is just and proper in the circumstances.

(h) The commissioner is authorized to issue administrative consent orders in the settlement of any proceeding in the public interest under this act.

**409.6-605. RULES, FORMS, ORDERS, INTERPRETIVE OPINIONS, AND HEARINGS. — (a)** The commissioner may:

(1) Issue forms and orders and, after notice and comment, may adopt and amend rules necessary or appropriate to carry out this act and may repeal rules, including rules and forms governing registration statements, applications, notice filings, reports, and other records;

(2) By rule, define terms, whether or not used in this act, but those definitions may not be inconsistent with this act; and

(3) By rule, classify securities, persons, and transactions and adopt different requirements for different classes.

(b) Under this act, a rule or form may not be adopted or amended, or an order issued or amended, unless the commissioner finds that the rule, form, order, or amendment is necessary or appropriate in the public interest or for the protection of investors and is consistent with the purposes intended by this act. In adopting, amending, and repealing rules and forms, section 409.6-608 applies in order to achieve uniformity among the states and coordination with federal laws in the form and content of registration statements, applications, reports, and other records, including the adoption of uniform rules, forms, and procedures.

(c) Subject to Section 15(h) of the Securities Exchange Act and Section 222 of the Investment Advisers Act of 1940, the commissioner may require that a financial statement filed under this act be prepared in accordance with generally accepted accounting principles in the United States and comply with other requirements specified by rule adopted or order issued under this act. A rule adopted or order issued under this act may establish:

(1) Subject to Section 15(h) of the Securities Exchange Act and Section 222 of the Investment Advisors Act of 1940, the form and content of financial statements required under this act;

(2) Whether unconsolidated financial statements must be filed; and

(3) Whether required financial statements must be audited by an independent certified public accountant.

(d) The commissioner may provide interpretative opinions or issue determinations that the commissioner will not institute a proceeding or an action under this act against a specified person for engaging in a specified act, practice, or course of business if the determination is consistent with this act. A rule adopted or order issued under this act

may establish a reasonable charge for interpretative opinions or determinations that the commissioner will not institute an action or a proceeding under this act.

(e) A penalty under this act may not be imposed for, and liability does not arise from conduct that is engaged in or omitted in good faith believing it conforms to a rule, form, or order of the commissioner under this act.

(f) A hearing in an administrative proceeding under this act must be conducted in public unless the commissioner for good cause consistent with this act determines that the hearing will not be so conducted.

(g) Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this act shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

**409.6-606. ADMINISTRATIVE FILES AND OPINIONS.** — (a) The commissioner shall maintain, or designate a person to maintain, a register of applications for registration of securities; registration statements; notice filings; applications for registration of broker-dealers, agents, investment advisers, and investment adviser representatives; notice filings by federal covered investment advisers that are or have been effective under this act or the predecessor act; notices of claims of exemption from registration or notice filing requirements contained in a record; orders issued under this act or the predecessor act; and interpretative opinions or no action determinations issued under this act.

(b) The commissioner shall make all rules, forms, interpretative opinions, and orders available to the public.

(c) The commissioner shall furnish a copy of a record that is a public record or a certification that the public record does not exist to a person that so requests. A rule adopted under this act may establish a reasonable charge for furnishing the record or certification. A copy of the record certified or a certificate by the commissioner of a record's nonexistence is prima facie evidence of a record or its nonexistence.

**409.6-607. PUBLIC RECORDS; CONFIDENTIALITY.** — (a) Except as otherwise provided in subsection (b), records obtained by the commissioner or filed under this act, including a record contained in or filed with a registration statement, application, notice filing, or report, are public records and are available for public examination.

(b) The following records are not public records and are not available for public examination under subsection (a):

(1) A record obtained by the commissioner in connection with an audit or inspection under section 409.4-411(d) or an investigation under section 409.6-602;

(2) A part of a record filed in connection with a registration statement under sections 409.3-301 and 409.3-303 to 409.3-305 or a record under section 409.4-411(d) that contains trade secrets or confidential information if the person filing the registration statement or report has asserted a claim of confidentiality or privilege that is authorized by law;

(3) A record that is not required to be provided to the commissioner or filed under this act and is provided to the commissioner only on the condition that the record will not be subject to public examination or disclosure;

(4) A nonpublic record received from a person specified in section 409.6-608(a);

(5) Any Social Security number, residential address unless used as a business address, and residential telephone number contained in a record that is filed; and

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(6) A record obtained by the commissioner through a designee of the commissioner that a rule or order under this act determines has been:

(A) Expunged from the commissioner's records by the designee; or

(B) Determined to be nonpublic or nondisclosable by that designee if the commissioner finds the determination to be in the public interest and for the protection of investors.

(c) If disclosure is for the purpose of a civil, administrative, or criminal investigation, action, or proceeding or to a person specified in section 409.6-608(a), the commissioner may disclose a record obtained in connection with an audit or inspection under section 409.4-411(d) or a record obtained in connection with an investigation under section 409.6-602.

**409.6-608. UNIFORMITY AND COOPERATION WITH OTHER AGENCIES.** — (a) The commissioner shall, in the discretion of the commissioner, cooperate, coordinate, consult, and, subject to section 409.6-607, share records and information with the securities regulator of another state, Canada, a Canadian province or territory, a foreign jurisdiction, the Securities and Exchange Commission, the United States Department of Justice, the Commodity Futures Trading Commission, the Federal Trade Commission, the Securities Investor Protection Corporation, the attorney general, a self-regulatory organization, a national or international organization of securities regulators, a federal or state banking and insurance regulator, and a governmental law enforcement agency to effectuate greater uniformity in securities matters among the federal government, self-regulatory organizations, states, and foreign governments.

(b) In cooperating, coordinating, consulting, and sharing records and information under this section and in acting by rule, order, or waiver under this act, the commissioner shall, in the discretion of the commissioner, take into consideration in carrying out the public interest the following general policies:

(1) Maximizing effectiveness of regulation for the protection of investors;

(2) Maximizing uniformity in federal and state regulatory standards; and

(3) Minimizing burdens on the business of capital formation, without adversely affecting essentials of investor protection.

(c) The cooperation, coordination, consultation, and sharing of records and information authorized by this section includes:

(1) Establishing or employing one or more designees as a central depository for registration and notice filings under this act and for records required or allowed to be maintained under this act;

(2) Developing and maintaining uniform forms;

(3) Conducting a joint examination or investigation;

(4) Holding a joint administrative hearing;

(5) Instituting and prosecuting a joint civil or administrative proceeding;

(6) Sharing and exchanging personnel;

(7) Coordinating registrations under sections 409.3-301 and 409.4-401 to 409.4-404 and exemptions under section 409.2-203;

(8) Sharing and exchanging records, subject to section 409.6-607;

(9) Formulating rules, statements of policy, guidelines, forms, and interpretative opinions and releases;

(10) Formulating common systems and procedures;

(11) Notifying the public of proposed rules, forms, statements of policy, and guidelines;

(12) Attending conferences and other meetings among securities regulators, which may include representatives of governmental and private sector organizations involved in

capital formation, deemed necessary or appropriate to promote or achieve uniformity; and

(13) Developing and maintaining a uniform exemption from registration for small issuers, and taking other steps to reduce the burden of raising investment capital by small businesses.

**409.6-609. JUDICIAL REVIEW.** — (a) Except as otherwise provided in this act, any interested person aggrieved by any order of the commissioner under any provision of this act, or by any refusal or failure of the commissioner to make an order pursuant to any of said provisions, shall be entitled to a hearing before the commissioner in accordance with the provisions of chapter 536, RSMo. A final order issued by the commissioner under this act is subject to judicial review in accordance with the provisions of chapter 536, RSMo, in the circuit court of Cole County.

(b) A rule adopted under this act is subject to judicial review in accordance with the provisions of chapter 536, RSMo, in the circuit court of Cole County.

**409.6-610. JURISDICTION.** — (a) Sections 409.3-301, 409.3-302, 409.4-401(a), 409.4-402(a), 409.4-403(a), 409.4-404(a), 409.5-501, 409.5-506, 409.5-509, and 409.5-510 do not apply to a person that sells or offers to sell a security unless the offer to sell or the sale is made in this state or the offer to purchase or the purchase is made and accepted in this state.

(b) Sections 409.4-401(a), 409.4-402(a), 409.4-403(a), 409.4-404(a), 409.5-501, 409.5-506, 409.5-509, and 409.5-510 do not apply to a person that purchases or offers to purchase a security unless the offer to purchase or the purchase is made in this state or the offer to sell or the sale is made and accepted in this state.

(c) For the purpose of this section, an offer to sell or to purchase a security is made in this state, whether or not either party is then present in this state, if the offer:

(1) Originates from within this state; or

(2) Is directed by the offeror to a place in this state and received at the place to which it is directed.

(d) For the purpose of this section, an offer to purchase or to sell is accepted in this state, whether or not either party is then present in this state, if the acceptance:

(1) Is communicated to the offeror in this state and the offeree reasonably believes the offeror to be present in this state and the acceptance is received at the place in this state to which it is directed; and

(2) Has not previously been communicated to the offeror, orally or in a record, outside this state.

(e) An offer to sell or to purchase is not made in this state when a publisher circulates or there is circulated on the publisher's behalf in this state a bona fide newspaper or other publication of general, regular, and paid circulation that is not published in this state, or that is published in this state but has had more than two-thirds of its circulation outside this state during the previous twelve months or when a radio or television program or other electronic communication originating outside this state is received in this state. A radio or television program, or other electronic communication is considered as having originated in this state if either the broadcast studio or the originating source of transmission is located in this state, unless:

(1) The program or communication is syndicated and distributed from outside this state for redistribution to the general public in this state;

(2) The program or communication is supplied by a radio, television, or other electronic network with the electronic signal originating from outside this state for redistribution to the general public in this state;

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(3) The program or communication is an electronic communication that originates outside this state and is captured for redistribution to the general public in this state by a community antenna or cable, radio, cable television, or other electronic system; or

(4) The program or communication consists of an electronic communication that originates in this state, but which is not intended for distribution to the general public in this state.

(f) Sections 409.4-403(a), 409.4-404(a), 409.4-405(a), 409.5-502, 409.5-505, and 409.5-506 apply to a person if the person engages in an act, practice, or course of business instrumental in effecting prohibited or actionable conduct in this state, whether or not either party is then present in this state.

**409.6-611. SERVICE OF PROCESS.** — (a) A consent to service of process complying with section 409.6-611 required by this act must be signed and filed in the form required by a rule or order under this act. A consent appointing the commissioner the person's agent for service of process in a noncriminal action or proceeding against the person, or the person's successor or personal representative under this act or a rule adopted or order issued under this act after the consent is filed, has the same force and validity as if the service were made personally on the person filing the consent. A person that has filed a consent complying with this subsection in connection with a previous application for registration or notice filing need not file an additional consent.

(b) If a person, including a nonresident of this state, engages in an act, practice, or course of business prohibited or made actionable by this act or a rule adopted or order issued under this act and the person has not filed a consent to service of process under subsection (a), the act, practice, or course of business constitutes the appointment of the commissioner as the person's agent for service of process in a noncriminal action or proceeding against the person or the person's successor or personal representative.

(c) Service under subsection (a) or (b) may be made by providing a copy of the process to the office of the commissioner, but it is not effective unless:

(1) The plaintiff, which may be the commissioner, promptly sends notice of the service and a copy of the process, return receipt requested, to the defendant or respondent at the address set forth in the consent to service of process or, if a consent to service of process has not been filed, at the last known address, or takes other reasonable steps to give notice; and

(2) The plaintiff files an affidavit of compliance with this subsection in the action or proceeding on or before the return day of the process, if any, or within the time that the court, or the commissioner in a proceeding before the commissioner, allows.

(d) Service pursuant to subsection (c) may be used in a proceeding before the commissioner or by the commissioner in a civil action in which the commissioner is the moving party.

(e) If process is served under subsection (c), the court, or the commissioner in a proceeding before the commissioner, shall order continuances as are necessary or appropriate to afford the defendant or respondent reasonable opportunity to defend.

**409.6-612. SEVERABILITY CLAUSE.** — If any provision of this act or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

**409.7-701. EFFECTIVE DATE.** — This act takes effect on September 1, 2003.

**409.7-702. REPEALS.** — The following act is repealed: Missouri Securities Act of 1956, as amended, RSMo, 2002.

**409.7-703. APPLICATION OF ACT TO EXISTING PROCEEDING AND EXISTING RIGHTS AND DUTIES.** — (a) The predecessor act exclusively governs all actions or proceedings that are pending on the effective date of this act or may be instituted on the basis of conduct occurring before the effective date of this act, but a civil action may not be maintained to enforce any liability under the predecessor act unless instituted within any period of limitation that applied when the cause of action accrued or within five years after the effective date of this act, whichever is earlier.

(b) All effective registrations under the predecessor act, all administrative orders relating to the registrations, rules, statements of policy, interpretative opinions, declaratory rulings, no action determinations, and conditions imposed on the registrations under the predecessor act remain in effect while they would have remained in effect if this act had not been enacted. They are considered to have been filed, issued, or imposed under this act, but are exclusively governed by the predecessor act.

(c) The predecessor act exclusively applies to an offer or sale made within one year after the effective date of this act pursuant to an offering made in good faith before the effective date of this act on the basis of an exemption available under the predecessor act.

**[409.101. SALES AND PURCHASES.** — It is unlawful for any person, in connection with the offer, sale or purchase of any security, directly or indirectly

- (1) to employ any device, scheme, or artifice to defraud,
- (2) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, or
- (3) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.]

**[409.102. ADVISORY ACTIVITIES.** — (a) It is unlawful for any person who receives, directly or indirectly, any consideration from another person primarily for advising the other person as to the value of securities or their purchase or sale, whether through the issuance of analyses or reports or otherwise:

- (1) To employ any device, scheme, or artifice to defraud the other person;
- (2) To engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon the other person; or
- (3) Acting as principal for his own account, knowingly to sell any security to or purchase any security from a client, or acting as broker for a person other than such client, knowingly to effect any sale or purchase of any security for the account of such client, without disclosing to such client in writing before the completion of such transaction the capacity in which he is acting and obtaining the consent of the client to such transaction. The prohibitions of this subparagraph shall not apply to any transaction with a customer of a broker-dealer if such broker-dealer is not acting as an investment adviser in relation to such transaction.

(b) In the solicitation of advisory clients, it is unlawful for any person to make any untrue statement of a material fact, or omit to state a material fact necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading.

(c) Except as may be permitted by rule or order of the commissioner, it is unlawful for any investment adviser to enter into, extend, or renew any investment advisory contract unless it provides in writing:

- (1) That the investment adviser shall not be compensated on the basis of a share of capital gains upon or capital appreciation of the funds or any portion of the funds of the client;
  - (2) That no assignment of the contract may be made by the investment adviser without the consent of the other party to the contract; and
  - (3) That the investment adviser, if a partnership, shall notify the other party to the contract of any change in the membership of the partnership within a reasonable time after the change.
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(d) Subparagraph (c)(1) of this section does not prohibit an investment advisory contract which provides for compensation based upon the total value of a fund averaged over a definite period, or as of definite dates or taken as of a definite date. "Assignment", as used in subparagraph (c)(2) of this section, includes any direct or indirect transfer or hypothecation of an investment advisory contract by the assignor or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor; but, if the investment adviser is a partnership, no assignment of an investment advisory contract is considered to result from the death or withdrawal of a minority of the members of the investment adviser having only a minority interest in the business of the investment adviser, or from the admission to the investment adviser of one or more members who, after admission, will be only a minority of the members and will have only a minority interest in the business.

(e) It is unlawful for any investment adviser to take or have custody of any securities or funds of any client if:

- (1) The commissioner by rule prohibits custody; or
- (2) In the absence of rule, the investment adviser fails to notify the commissioner that he has or may have custody.

(f) The commissioner may by rule or order adopt exemptions from subparagraph (a)(3) and subparagraphs (c)(1), (c)(2) and (c)(3) of this section where such exemptions are consistent with the public interest and within the purposes fairly intended by the policy and provisions of sections 409.101 to 409.419.]

**[409.201. REGISTRATION REQUIREMENTS.** — (a) It is unlawful for any person to transact business in this state as a broker-dealer or agent unless he is registered under sections 409.101 to 409.419.

(b) It is unlawful for any broker-dealer or issuer to employ an agent unless the agent is registered under sections 409.101 to 409.419. The registration of an agent is not effective during any period when he is not associated with a particular broker-dealer registered under sections 409.101 to 409.419, or a particular issuer. When an agent begins or terminates a connection with a broker-dealer or issuer, or begins or terminates those activities which make him an agent, the agent, as well as the broker-dealer or issuer, shall promptly notify the commissioner.

(c) It is unlawful for any person to transact business in this state as an investment adviser unless:

- (1) He is so registered under sections 409.101 to 409.419; or
- (2) He is registered as a broker-dealer under sections 409.101 to 409.419 without the imposition of a condition under section 409.204(b)(5), or
- (3) He has no place of business in this state; and

(A) His only clients in this state are investment companies as defined in the Investment Company Act of 1940, other investment advisers, federal covered advisers, broker-dealers, banks, trust companies, savings and loan associations, insurance companies, employee benefit plans with assets of not less than one million dollars, and governmental agencies or instrumentalities, whether acting for themselves or as trustees with investment control, or other institutional investors as are designated by rule or order of the commissioner; or

(B) During the preceding twelve-month period has had not more than five clients, other than those specified in subparagraph (A) of this section, who are residents of this state.

(d) It is unlawful for any person to transact business in this state as an investment adviser representative unless:

- (1) He is so registered under sections 409.101 to 409.419;
- (2) He is registered as an investment adviser or as a broker-dealer under sections 409.101 to 409.419 without the imposition of a condition under section 409.204(b)(5);
- (3) He is registered as an agent under sections 409.101 to 409.419 without the imposition of a condition under section 409.204(b)(5) only to the extent that the investment advisory

activities performed are performed under the control and supervision of the broker-dealer with whom the agent is registered; or

(4) He has no place of business in this state; and

(A) His only clients in this state are investment companies as defined in the Investment Company Act of 1940, other investment advisers, federal covered advisers, broker-dealers, banks, trust companies, savings and loan associations, insurance companies, employee benefit plans with assets of not less than one million dollars, and governmental agencies or instrumentalities, whether acting for themselves or as trustees with investment control, or other institutional investors as are designated by rule or order of the commissioner; or

(B) During the preceding twelve-month period has had not more than five clients, other than those specified in subparagraph (A) of this section, who are residents of this state.

(e) It is unlawful for any:

(1) Person required to be registered as an investment adviser pursuant to this act to employ an investment adviser representative unless the investment adviser representative is registered under sections 409.101 to 409.419, provided that the registration of an investment adviser representative is not effective during any period when he is not employed by an investment adviser registered under sections 409.101 to 409.419; or

(2) Federal covered adviser to employ, supervise, or associate with an investment adviser representative having a place of business located in this state, unless such investment adviser representative is registered pursuant to sections 409.101 to 409.419, or is exempt from registration. When an investment adviser representative begins or terminates employment with an investment adviser, the investment adviser (in the case of 409.201(e)(1)) or the investment adviser representative (in the case of 409.201(e)(2)) shall promptly notify the commissioner.

(f) Every registration pursuant to this section or notice filing pursuant to section 409.202(b) expires one year from its effective date unless renewed.

(g) Except with respect to advisers whose only clients are those described in section 409.201(c)(3) of this act, it is unlawful for any federal covered adviser to conduct advisory business in this state unless such person complies with the provisions of section 409.202(b) and (c).

(h) Notwithstanding the provisions of sections 409.202(b) and (c), until October 10, 1999, the commissioner may require the registration of a federal covered adviser who refuses to pay to the commissioner the fee required by section 409.202(c). The refusal to remit the fee required by section 409.202(c), within fifteen days following the adviser's receipt of written notification from the commissioner regarding the nonpayment or underpayment of such fees, shall be proper ground for the entry of an order by the commissioner prohibiting such person from engaging in business as an investment adviser or federal covered adviser in this state until such registration is effective.]

**[409.202. REGISTRATION PROCEDURE.** — (a) A broker-dealer, agent, investment adviser, or investment adviser representative may obtain an initial or renewal registration by filing with the commissioner or his designee an application, together with a consent to service of process pursuant to section 409.415(g) and paying the fee herein prescribed. The application shall contain whatever information the commissioner by rule requires concerning such matters as:

(1) The applicant's form and place of organization;

(2) The applicant's proposed method of doing business;

(3) The qualifications and business history of the applicant; in the case of a broker-dealer or investment adviser, the qualifications and business history of any partner, officer or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer or investment adviser;

(4) Any injunction or administrative order or conviction of a misdemeanor involving a security or any aspect of the securities business and any conviction of a felony;

(5) The applicant's financial condition and history; and

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(6) Any information to be furnished or disseminated to any client or prospective client, if the applicant is an investment adviser. The commissioner may also require such additional information as he deems necessary to establish the qualifications and the good business repute of the applicant. If no denial order is in effect, and no proceeding is pending under section 409.204, registration becomes effective at noon of the thirtieth day after an application is filed. The commissioner may by rule or order specify an earlier effective date, and he may by order defer the effective date until noon of the thirtieth day after the filing of any amendment.

(b) Except with respect to federal covered advisers whose only clients are those described in section 409.201(c)(3), a federal covered adviser shall file with the commissioner, prior to acting as a federal covered adviser in this state, such documents as have been filed with the Securities and Exchange Commission as the commissioner, by rule or order, may require.

(c) Fees:

(1) Every applicant for initial registration as a broker-dealer or as an investment adviser shall pay a filing fee of two hundred dollars;

(2) Every applicant for renewal registration as a broker-dealer or an investment adviser shall pay a filing fee of one hundred dollars;

(3) Every applicant for initial or renewal registration as an agent or an investment adviser representative shall pay a filing fee of fifty dollars, except that, no person shall be required by this subsection to pay a fee as both an agent and an investment adviser representative;

(4) Every person acting as a federal covered adviser in this state shall pay an initial notice filing fee of two hundred dollars;

(5) Every person acting as a federal covered adviser in this state shall pay a renewal notice filing fee of one hundred dollars; and

(6) When an application or notice is denied or withdrawn, the commissioner shall retain all of the fee.

(d) A registered broker-dealer or investment adviser may file an application for registration of a successor, and a federal covered adviser may file a notice filing for a successor, whether or not the successor is then in existence, for the unexpired portion of the year. There shall be no filing fee.

(e) The commissioner may by rule require a minimum capital for registered broker-dealers subject to the limitations of section 15 of the Securities Exchange Act of 1934, and establish minimum financial requirements for investment advisers, subject to the limitations of section 222 of the Investment Advisers Act of 1940, which may include different requirements for those investment advisers who maintain custody of clients' funds or securities or who have discretionary authority over the same and those investment advisers who do not.

(f) The commissioner may by rule require registered broker-dealers, agents, and investment advisers who have custody of or discretionary authority over client funds or securities to post surety bonds in amounts up to twenty-five thousand dollars, subject to the limitations of section 15 of the Securities Exchange Act of 1934 (for broker-dealers), and subject to the limitations of section 222 of the Investment Advisers Act of 1940 (for investment advisers), and may determine their conditions. Any appropriate deposit of cash or security shall be accepted in lieu of any bond so required. No bond may be required of any registrant whose net capital, or, in the case of an investment adviser whose minimum financial requirements, which may be defined by rule, exceeds one hundred thousand dollars, or any agent of any such registrant. Every bond shall provide for suit thereon by any person who has a cause of action under section 409.411, and, if the commissioner by rule or order requires, by any person who has a cause of action not arising under sections 409.101 to 409.419. Every bond shall provide that no suit may be maintained to enforce any liability on the bond unless brought within the time limitations of section 409.411(f).]

**[409.203. POSTREGISTRATION PROVISIONS.]** — (a) Every registered broker-dealer and investment adviser shall make and keep such accounts, correspondence, memoranda, papers,

books, and other records as the commissioner by rule prescribes, except as provided by section 15 of the Securities Exchange Act of 1934 (for broker-dealers), and section 222 of the Investment Advisers Act of 1940 (for investment advisers). All records so required, with respect to an investment adviser, shall be preserved for three years unless the commissioner by rule prescribes otherwise for particular types of records.

(b) To the extent determined by the commissioner in his discretion, information furnished to clients or prospective clients of an investment adviser pursuant to the Investment Advisers Act of 1940 and the rules thereunder may be used in whole or partial satisfaction of the requirement of investment advisers to make full disclosure under sections 409.101 to 409.419.

(c) Every registered broker-dealer and investment adviser shall file such financial reports as the commissioner by rule prescribes, except as provided by section 15 of the Securities Exchange Act of 1934 (in the case of a broker-dealer), and section 222 of the Investment Advisers Act of 1940 (in the case of an investment adviser).

(d) If the information contained in any document filed with the commissioner is or becomes inaccurate or incomplete in any material respect, the registrant or federal covered adviser shall file a correcting amendment promptly if the document is filed with respect to a registrant, or when such amendment is required to be filed with the Securities and Exchange Commission if the document is filed with respect to a federal covered adviser, unless notification of the correction has been given under section 409.201(b).

(e) All the records referred to in subsection (a) are subject at any time or from time to time to such reasonable periodic, special, or other examinations by representatives of the commissioner, within or without this state, as the commissioner deems necessary or appropriate in the public interest or for the protection of investors. For the purpose of avoiding unnecessary duplication of examinations, the commissioner, insofar as he deems it practicable in administering this subsection, may cooperate with the securities administrators of other states, the Securities and Exchange Commission, and any national securities exchange or national securities association registered under the Securities Exchange Act of 1934.]

**[409.204. DENIAL, REVOCATION, SUSPENSION, CANCELLATION AND WITHDRAWAL OF REGISTRATION.** — (a) The commissioner may by order deny, suspend, or revoke any registration or bar or censure any registrant or any officer, director, partner or person occupying a similar status or performing similar functions for a registrant, from employment with a registered broker-dealer or investment adviser, or restrict or limit a registrant as to any function or activity of the business for which registration is required in this state, if the commissioner finds (1) that the order is in the public interest and (2) that the applicant or registrant or, in the case of a broker-dealer or investment adviser, any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer or investment adviser:

(A) Has filed an application for registration which as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact;

(B) Has willfully violated or willfully failed to comply with any provision of sections 409.101 to 409.419 or a predecessor act or any rule or order pursuant to sections 409.101 to 409.419 or a predecessor act;

(C) Has been convicted, within the past ten years, of any misdemeanor involving a security or any aspect of the securities business, or any felony;

(D) Is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities business;

(E) Is the subject of an order of the commissioner denying, suspending, or revoking registration as a broker-dealer, agent, investment adviser, or investment adviser representative;

(F) Is the subject of an adjudication or determination, after notice and opportunity for hearing, within the past ten years by a securities or commodities agency or administrator of another state or a court of competent jurisdiction that the person has willfully violated the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940 or the Commodity Exchange Act, or the securities or commodities law of any other state;

(G) Has engaged in dishonest or unethical practices in the securities business;

(H) Is insolvent, either in the sense that his or her liabilities exceed his or her assets or in the sense that he or she cannot meet obligations as they mature; but the commissioner may not enter an order against a broker-dealer or investment adviser pursuant to this clause without a finding of insolvency as to the broker-dealer or investment adviser;

(I) Is not qualified on the basis of such factors as training, experience, and knowledge of the securities business, except as otherwise provided in subsection (b) of this section;

(J) Has failed reasonably to supervise his or her agents or employees if he or she is a broker-dealer, or adviser representatives or employees if an investment adviser; for the purposes of this clause no person shall be deemed to have failed reasonably to supervise any person if there have been established procedures, and a system for applying such procedures, which would reasonably be expected to prevent and detect, insofar as practicable, any such violations by such other person, and such person has reasonably discharged the duties and obligations incumbent upon him or her by reason of such procedures and system without reasonable cause to believe that such procedures and system were not being complied with;

(K) Has failed to pay the proper filing fee; but the commissioner may enter only a denial order pursuant to this clause, and he or she shall vacate any such order when the deficiency has been corrected; or

(L) Has been denied the right to do business in the securities industry, or the person's respective authority to do business in the securities industry has been revoked by any other state, federal or foreign governmental agency or self-regulatory organization for cause, or is the subject of a final order in a criminal action for securities or fraud related violations of the law of any state, federal, or foreign governmental unit, or within the last ten years the person has been the subject of a final order in a civil, injunctive or administrative action for securities or fraud related violations of the law of any state, federal, or foreign governmental unit.

(b) The following provisions govern the application of section 409.204(a)(2)(I):

(1) The commissioner may not enter an order against a broker-dealer on the basis of the lack of qualification of any person other than (A) the broker-dealer himself if he or she is an individual or (B) an agent of the broker-dealer.

(2) The commissioner may not enter an order against an investment adviser on the basis of the lack of qualification of any person other than (A) the investment adviser himself if he is an individual or (B) an investment adviser representative.

(3) The commissioner may not enter an order solely on the basis of lack of experience if the applicant or registrant is qualified by training or knowledge or both.

(4) The commissioner shall consider that an agent who will work under the supervision of a registered broker-dealer need not have the same qualifications as a broker-dealer and that an investment adviser representative who will work under the supervision of a registered investment adviser need not have the same qualifications as an investment adviser.

(5) The commissioner shall consider that an investment adviser is not necessarily qualified solely on the basis of experience as a broker-dealer or agent. When the commissioner finds that an applicant for initial or renewal registration as a broker-dealer is not qualified as an investment adviser, the commissioner may by order condition the applicant's registration as a broker-dealer upon the applicant not transacting business in this state as an investment adviser.

(6) The commissioner may by rule provide for an examination, including an examination developed or approved by an organization of securities administrators, which examination may be written or oral or both, to be taken by any class of or all applicants, as well as persons who

represent or will represent an investment adviser in doing any of the acts which make him or her an investment adviser; provided, however, that no examination may be required of any person (1) who was registered as a broker-dealer or as an agent or who was a general partner or officer of a registered broker-dealer January 1, 1968, and (2) who has been continuously registered pursuant to this law since that time. The commissioner may by rule or order waive the examination requirement as to a person or class of persons if the commissioner determines that the examination is not necessary for the protection of advisory clients.

(c) The commissioner may by order summarily postpone or suspend registration pending final determination of any proceeding pursuant to this section, including a proceeding to determine the completeness of an application or where the commissioner is requesting additional information regarding the application. Upon the entry of the order, the commissioner shall promptly notify the applicant or registrant, as well as the employer or prospective employer if the applicant or registrant is an agent or investment adviser representative, that it has been entered and of the reasons therefor and that within fifteen days after the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the commissioner, the order will remain in effect until it is modified or vacated by the commissioner. If hearing is requested or ordered, the commissioner, after notice of and opportunity for hearing, may modify or vacate the order or extend it until final determination.

(d) If the commissioner finds that any registrant or applicant for registration is no longer in existence or has ceased to do business as a broker-dealer, agent, investment adviser or investment adviser representative, or is subject to an adjudication of mental incompetence or to the control of a committee, conservator, or guardian, or cannot be located after reasonable search, the commissioner may by order cancel the registration or application.

(e) Withdrawal from registration as a broker-dealer, agent, investment adviser or investment adviser representative becomes effective thirty days after receipt of an application to withdraw or within such shorter period of time as the commissioner may determine, unless a revocation or suspension proceeding is pending when the application is filed or a proceeding to revoke or suspend or to impose conditions upon the withdrawal is instituted within thirty days after the application is filed. If a proceeding is pending or instituted, withdrawal becomes effective at such time and upon such conditions as the commissioner by order determines. If no proceeding is pending or instituted and withdrawal automatically becomes effective, the commissioner may nevertheless institute a revocation or suspension proceeding pursuant to section 409.204(a)(2)(B) within one year after withdrawal became effective and enter a revocation or suspension order as of the last date on which registration was effective.

(f) (1) If a proceeding is instituted to revoke or suspend a registration of any agent, broker-dealer, investment adviser, or investment adviser representative pursuant to sections 409.101 to 409.419, the commissioner shall refer the case to the administrative hearing commission. The administrative hearing commission shall conduct hearings and make findings of fact and conclusions of law in such cases. The commissioner shall have the burden of proving a ground for suspension or revocation pursuant to sections 409.101 to 409.419.

(2) The administrative hearing commission shall conduct hearings and make findings of fact and conclusions of law in those cases wherein a person files a petition with the commission, which petition states that the commissioner has denied any registration of any agent, broker-dealer or investment adviser pursuant to sections 409.101 to 409.419.

(3) Upon receipt of a written complaint or petition filed pursuant to subsections (1) and (2) of this subsection (f), the administrative hearing commission shall cause a copy of the complaint or petition to be served upon the appropriate parties in person or by certified mail, together with a notice of the place of and date upon which the hearing on the complaint or petition will be held.

(4) Hearing procedures, action by the commissioner in revoking, suspending or denying any registration of any agent, broker-dealer or investment adviser hereunder, judicial review of the decisions of the commissioner and of the administrative hearing commission, and all other

procedural matters hereunder shall be governed by the provisions of sections 621.015 to 621.193, RSMo.

(g) An agent or investment adviser representative registered in this state transferring from one Missouri registered broker-dealer or investment adviser to another Missouri registered broker-dealer or investment adviser shall automatically have a temporary registration to transact securities business for thirty days following the date the application becomes complete and nondeficient, unless the commissioner has withdrawn the temporary registration or issued an order of denial or summary postponement pursuant to this section. The thirty-day temporary registration creates no property right for the agent, broker-dealer, investment adviser, or investment adviser's representative. During the thirty-day temporary registration, the agent's or investment adviser's application may be denied or summarily postponed by the commissioner pursuant to this section; however, if no denial or postponement has been entered during the period of temporary registration, the agent or investment adviser representative shall have a registration in this state. However, the registration of the transferring agent or investment adviser representative is immediately effective as of the date the new employment or association began, if the application contains no new or amended disciplinary disclosure within the preceding three years.

(h) The commissioner shall have one hundred twenty days from the date of an initial or renewal registration in which to institute a proceeding to revoke or suspend a registration of any agent, broker-dealer, investment adviser, or investment adviser representative because of a fact or transaction that was known by the commissioner when the registration became effective.]

**[409.301. REGISTRATION REQUIREMENT (SECURITIES).** — It is unlawful for any person to offer or sell any security in this state unless:

- (1) It is registered under this act;
- (2) The security or transaction is exempted under section 409.402; or
- (3) It is a federal covered security.]

**[409.302. REGISTRATION BY NOTIFICATION (SECURITIES).** — (a) The following securities may be registered by notification, whether or not they are also eligible for registration by coordination under section 409.303: any security whose issuer and any predecessors have been in continuous operation for at least five years if (A) there has been no default during the current fiscal year or within the three preceding fiscal years in the payment of principal, interest, or dividends on any security of the issuer (or any predecessor) with a fixed maturity or a fixed interest or dividend provision, and (B) the issuer and any predecessors during the past three fiscal years have had average net earnings, determined in accordance with generally accepted accounting practices, (i) which are applicable to all securities without a fixed maturity or a fixed interest or dividend provision outstanding at the date the registration statement is filed and equal at least five percent of the amount of such outstanding securities (as measured by the maximum offering price or the market price on a day, selected by the registrant, within thirty days before the date of filing the registration statement, whichever is higher, or book value on a day, selected by the registrant, within ninety days of the date of filing the registration statement to the extent that there is neither a readily determinable market price nor a cash offering price), or (ii) which, if the issuer and any predecessors have not had any security of the type specified in clause (i) outstanding for three full fiscal years, equal to at least five percent of the amount (as measured in clause (i)) of all securities which will be outstanding if all the securities being offered or proposed to be offered (whether or not they are proposed to be registered or offered in this state) are issued.

(b) A registration statement under this section shall contain the following information and be accompanied by the following documents in addition to the information specified in section 409.305(c) and the consent to service of process required by section 409.415(g):

- (1) a statement demonstrating eligibility for registration by notification;

(2) with respect to the issuer and any significant subsidiary; its name, address, and form of organization; the state (or foreign jurisdiction) and the date of its organization; and the general character and location of its business;

(3) with respect to any person on whose behalf any part of the offering is to be made in a nonissuer distribution: his name and address; the amount of securities of the issuer held by him as of the date of the filing of the registration statement; and a statement of his reasons for making the offering;

(4) a description of the security being registered;

(5) the information and documents specified in clauses (8), (10) and (12) of section 409.304(b).

(c) If no stop order is in effect and no proceeding is pending under section 409.306, a registration statement under this section automatically becomes effective at two o'clock central time in the afternoon of the second full business day after the filing of the registration statement or the last amendment, or at such earlier time as the commissioner determines.]

**[409.303. REGISTRATION BY COORDINATION (SECURITIES).** — (a) Any security for which a registration statement has been filed under the Securities Act of 1933 in connection with the same offering may be registered by coordination.

(b) A registration statement under this section shall contain the following information and be accompanied by the following documents in addition to the information specified in section 409.305(c) and the consent to service of process required by section 409.415(g):

(1) three copies of the latest form of prospectus filed under the Securities Act of 1933;

(2) if the commissioner by rule or otherwise requires, a copy of the articles of incorporation and bylaws (or their substantial equivalents) currently in effect, a copy of any agreements with or among underwriters, a copy of any indenture or other instrument governing the issuance of the security to be registered, and a specimen or copy of the security;

(3) if the commissioner requests, any other information, or copies of any other document; and

(4) an undertaking to forward all future amendments to the federal prospectus, other than an amendment which merely delays the effective date of the registration statement, promptly and in any event not later than the first business day after the day they are forwarded to or filed with the Securities and Exchange Commission, whichever first occurs.

(c) A registration statement under this section automatically becomes effective at the moment the federal registration statement becomes effective if all the following conditions are satisfied: (1) no stop order is in effect and no proceeding is pending under section 409.306; (2) the registration statement has been on file with the commissioner for at least fifteen days; and (3) a statement of the maximum and minimum proposed offering prices and the maximum underwriting discounts and commissions has been on file for two full business days or such shorter period as the commissioner permits by rule or otherwise and the offering is made within those limitations. The registrant shall promptly notify the commissioner by telephone or telegram of the date and time when the federal registration statement became effective and the content of the price amendment, if any, and shall promptly file a post-effective amendment containing the information and documents in the price amendment. "Price amendment" means the final federal amendment which includes a statement of the offering price, underwriting and selling discounts or commissions, amount of proceeds, conversion rates, call prices, and other matters dependent upon the offering price. Upon failure to receive the required notification and post-effective amendment with respect to the price amendment, the commissioner may enter a stop order, without notice or hearing, retroactively denying effectiveness to the registration statement or suspending its effectiveness until compliance with this subsection, if he promptly notifies the registrant by telephone or telegram (and promptly confirms by letter or telegram when he notifies by telephone) of the issuance of the order. If the registrant proves compliance with the requirements of this subsection as to notice and post-effective amendment, the stop order is void

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as of the time of its entry. The commissioner may by rule or otherwise waive either or both of the conditions specified in clauses (2) and (3). If the federal registration statement becomes effective before all the conditions in this subsection are satisfied and they are not waived, the registration statement automatically becomes effective as soon as all the conditions are satisfied. If the registrant advises the commissioner of the date when the federal registration statement is expected to become effective, the commissioner shall promptly advise the registrant by telephone or telegram, at the registrant's expense, whether all the conditions are satisfied and whether he then contemplates the institution of a proceeding under section 409.306; but this advice by the commissioner does not preclude the institution of such a proceeding at any time.

(d) Any security for which a prospectus or offering circular is required by any regulation adopted by the Securities and Exchange Commission under Sections 3(b) or 3(c) of the Securities Act of 1933 to be filed with said commission for the same offering and for which a prospectus or offering circular has been so filed may be registered by coordination upon compliance with subsections (b) and (c) of this section in such manner as the commissioner by rule or order may prescribe. For purposes of any registration by coordination pursuant to this subsection the term "federal prospectus" shall mean the prospectus or offering circular filed with the Securities and Exchange Commission pursuant to any such regulation and the date on which the federal registration becomes effective shall be deemed to be the date on which the Securities and Exchange Commission notifies the issuer that the offering may commence.]

**[409.304. REGISTRATION BY QUALIFICATION (SECURITIES).** — (a) Any security may be registered by qualification.

(b) A registration statement under this section shall contain the following information and be accompanied by the following documents in addition to the information specified in section 409.305(c) and the consent to service of process required by section 409.415(g):

(1) with respect to the issuer and any significant subsidiary: its name, address, and form of organization; the state or foreign jurisdiction and date of its organization; the general character and location of its business; a description of its physical properties and equipment; and a statement of the general competitive conditions in the industry or business in which it is or will be engaged;

(2) with respect to every director and officer of the issuer, or person occupying a similar status or performing similar functions: his name, address, and principal occupation for the past five years; the amount of securities of the issuer held by him as of a specified date within thirty days of the filing of the registration statement; the amount of the securities covered by the registration statement to which he has indicated his intention to subscribe; and a description of any material interest in any material transaction with the issuer or any significant subsidiary effected within the past three years or proposed to be effected;

(3) with respect to persons covered by clause (2): the remuneration paid during the past twelve months and estimated to be paid during the next twelve months, directly or indirectly, by the issuer (together with all predecessors, parents, subsidiaries, and affiliates) to all those persons in the aggregate;

(4) with respect to any person owning of record, or beneficially if known, ten percent or more of the outstanding shares of any class of equity security of the issuer: the information specified in clause (2) other than his occupation;

(5) with respect to every promoter if the issuer was organized within the past three years: the information specified in clause (2), any amount paid to him within that period or intended to be paid to him, and the consideration for any such payment;

(6) with respect to any person on whose behalf any part of the offering is to be made in a nonissuer distribution: his name and address; the amount of securities of the issuer held by him as of the date of the filing of the registration statement; a description of any material interest in any material transaction with the issuer or any significant subsidiary effected within the past three years or proposed to be effected; and a statement of his reasons for making the offering;

(7) the capitalization and long-term debt (on both a current and a pro forma basis) of the issuer and any significant subsidiary, including a description of each security outstanding or being registered or otherwise offered, and a statement of the amount and kind of consideration (whether in the form of cash, physical assets, services, patents, goodwill, or anything else) for which the issuer or any subsidiary has issued any of its securities within the past two years or is obligated to issue any of its securities;

(8) the kind and amount of securities to be offered; the proposed offering price or the method by which it is to be computed; any variation therefrom at which any proportion of the offering is to be made to any person or class of persons other than the underwriters, with a specification of any such person or class; the basis upon which the offering is to be made if otherwise than for cash; the estimated aggregate underwriting and selling discounts or commissions and finders' fees (including separately cash, securities, contracts, or anything else of value to accrue to the underwriters or finders in connection with the offering) or, if the selling discounts or commissions are variable, the basis of determining them and their maximum and minimum amounts; the estimated amounts of other selling expenses, including legal, engineering, and accounting charges; the name and address of every underwriter and every recipient of a finder's fee; a copy of any underwriting or selling-group agreement pursuant to which the distribution is to be made, or the proposed form of any such agreement whose terms have not yet been determined; and a description of the plan of distribution of any securities which are to be offered otherwise than through an underwriter;

(9) the estimated cash proceeds to be received by the issuer from the offering; the purposes for which the proceeds are to be used by the issuer; the amount to be used for each purpose; the order or priority in which the proceeds will be used for the purposes stated; the amounts of any funds to be raised from other sources to achieve the purposes stated; the sources of any such funds; and, if any part of the proceeds is to be used to acquire any property (including goodwill) otherwise than in the ordinary course of business, the names and addresses of the vendors, the purchase price, the names of any persons who have received commissions in connection with the acquisition, and the amounts of any such commissions and any other expense in connection with the acquisition (including the cost of borrowing money to finance the acquisition);

(10) a description of any stock options or other security options outstanding, or to be created in connection with the offering, together with the amount of any such options held or to be held by every person required to be named in clause (2), (4), (5), (6), or (8) and by any person who holds or will hold ten percent or more in the aggregate of any such options;

(11) the dates of, parties to, and general effect concisely stated of, every management or other material contract made or to be made otherwise than in the ordinary course of business if it is to be performed in whole or in part at or after the filing of the registration statement or was made within the past two years, together with a copy of every such contract; and a description of any pending litigation or proceeding to which the issuer is a party and which materially affects its business or assets (including any such litigation or proceeding known to be contemplated by governmental authorities);

(12) a copy of any prospectus, pamphlet, circular, form letter, advertisement, or other sales literature intended as of the effective date to be used in connection with the offering;

(13) a specimen or copy of the security being registered; a copy of the issuer's articles of incorporation and bylaws, or their substantial equivalents, as currently in effect; and a copy of any indenture or other instrument covering the security to be registered;

(14) a signed or conformed copy of an opinion of counsel as to the legality of the security being registered (with an English translation if it is in a foreign language), which shall state whether the security when sold will be legally issued, fully paid, and nonassessable, and, if a debt security, a binding obligation of the issuer;

(15) the written consent of any accountant, engineer, appraiser, or other person whose profession gives authority to a statement made by him, if any such person is named as having

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prepared or certified a report or valuation (other than a public and official document or statement) which is used in connection with the registration statement;

(16) a balance sheet of the issuer as of a date within four months prior to the filing of the registration statement; a profit and loss statement and analysis of surplus for each of the three fiscal years preceding the date of the balance sheet and for any period between the close of the last fiscal year and the date of the balance sheet, or for the period of the issuer's and any predecessor's existence if less than three years; and, if any part of the proceeds of the offering is to be applied to the purchase of any business, the same financial statements which would be required if that business were the registrant; and

(17) such additional information including appraisals, audits, examinations and engineering studies, at the expense of the applicant as the commissioner requires by rule or order.

(c) A registration statement under this section becomes effective when the commissioner so orders.

(d) The commissioner may by rule or order require as a condition of registration under this section that a prospectus containing any designated part of the information specified in subsection (b) be sent or given to each person to whom an offer is made before or concurrently with (1) the first written offer made to him (otherwise than by means of a public advertisement) by or for the account of the issuer or any other person on whose behalf the offering is being made, or by any underwriter or broker-dealer who is offering part of an unsold allotment or subscription taken by him as a participant in the distribution, (2) the confirmation of any sale made by or for the account of any such person, (3) payment pursuant to any such sale, or (4) delivery of the security pursuant to any such sale, whichever first occurs.]

**[409.305. PROVISIONS APPLICABLE TO REGISTRATION GENERALLY. —** (a) A registration statement may be filed by the issuer, any other person on whose behalf the offering is to be made, or a registered broker-dealer.

(b) Every person filing a registration statement, including registration statements filed under subsection (j) of this section, shall pay a filing fee of one hundred dollars. Except as provided in subsection (j) of this section, each person shall pay a registration fee equal to one-twentieth of one percent of the amount by which the maximum aggregate offering price at which the registered securities are to be offered in this state exceeds one hundred thousand dollars, but the registration fee shall in no case be more than nine hundred dollars.

When a registration statement is withdrawn before the effective date or a pre-effective stop order is entered under section 409.306, the commissioner shall retain the filing fee. The commissioner may by rule require that the filing fee be paid separately from the registration fee.

(c) Every registration statement shall specify (1) the amount of securities to be offered in this state; (2) the states in which a registration statement or similar document in connection with the offering has been or is to be filed; and (3) any adverse order, judgment, or decree entered in connection with the offering by the regulatory authorities in each state or by any court or the Securities and Exchange Commission.

(d) Any document filed under this act or a predecessor act within five years preceding the filing of a registration statement may be incorporated by reference in the registration statement to the extent that the document is currently accurate.

(e) The commissioner may by rule or otherwise permit the omission of any item of information or document from any registration statement.

(f) The commissioner may by rule or order require, as a condition of registration by qualification or coordination: (1) the deposit in escrow of any security of the issuer of the securities to be registered (i) issued to a promoter within the past three years, (ii) to be issued to a promoter, (iii) issued to a promoter for a consideration substantially different from the public offering price within the past ten years or (iv) issued to any person for a consideration other than cash; and (2) that the proceeds from the sale of the registered security in this state be impounded until the issuer receives a specified amount from the sale of the security either in this state or

elsewhere. The commissioner may by rule or order determine the conditions of any escrow or impounding required hereunder, but he may not reject a depository solely because of location in another state.

(g) The commissioner may by rule or order require as a condition of registration that any security registered by qualification or coordination be sold only on a specified form of subscription or sale contract, and that a signed or conformed copy of each contract be filed with the commissioner or preserved for any period up to three years specified in the rule or order.

(h) Every registration statement is effective for one year from its effective date, or any longer period during which the security is being offered or distributed in a nonexempted transaction by or for the account of the issuer or other person on whose behalf the offering is being made or by any underwriter or broker-dealer who is still offering part of an unsold allotment or subscription taken by him as a participant in the distribution except during the time a stop order is in effect under section 409.306. A registration statement may be withdrawn only in the discretion of the commissioner.

(i) The commissioner may by rule or order require any issuer whose securities have been registered hereunder to file reports, not more often than quarterly, as may be required to adequately disclose the financial condition and to adequately disclose any changes in management and control of the issuer.

(j) Any person filing a registration statement involving securities issued by an investment company or securities of a similar character involving a continuous offering, may request registration of an indefinite amount of securities. For each registration statement involving an indefinite amount of securities effective under this act, the issuer shall annually file a report with the commissioner within sixty days after the end of the issuer's fiscal year. The report shall state the dollar amount of securities sold in this state during the issuer's previous fiscal year. The issuer shall at the same time submit a registration fee at the rate of one-twentieth of one percent of the amount of securities sold in this state during that previous fiscal year, but in no case shall the registration fee exceed three thousand dollars. When the effectiveness of a registration statement involving an indefinite amount of securities is terminated, the issuer shall promptly file the report with the registration fee as required by this section for the period from the last report to the termination of effectiveness.]

**[409.306. DENIAL, SUSPENSION AND REVOCATION OF REGISTRATION.** — (a) The commissioner may issue a stop order denying effectiveness to, or suspending or revoking the effectiveness of, any registration statement if he finds (1) that the order is in the public interest and (2) that

(A) the registration statement as of its effective date or as of any earlier date in the case of an order denying effectiveness or any amendment under section 409.305(j) as of its effective date, or any report under section 409.305(i) is incomplete in any material respect or contains any statement which was, in the light of the circumstances under which it was made, false or misleading with respect to any material fact;

(B) any provision of this act or any rule, order, or condition lawfully imposed under this act has been willfully violated, in connection with the offering, by (i) the person filing the registration statement, (ii) the issuer, any partner, officer, or director of the issuer, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling or controlled by the issuer, but only if the person filing the registration statement is directly or indirectly controlled by or acting for the issuer, or (iii) any underwriter;

(C) the security registered or sought to be registered is the subject of an administrative stop order or similar order or a permanent or temporary injunction of any court of competent jurisdiction entered under any other federal or state act applicable to the offering, but (i) the commissioner may not institute a proceeding against an effective registration statement under clause (C) more than one year from the date of the order or injunction relied on, and (ii) he may not enter an order under clause (C) on the basis of an order or injunction entered under any other

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state act unless that order or injunction was based on facts which would currently constitute a ground for a stop order under this section;

(D) the issuer's enterprise or method of business includes or would include activities which are illegal where performed;

(E) (i) the offering has worked or tended to work a fraud upon purchasers or would so operate; or (ii) any aspect of the offering is substantially unfair, unjust, inequitable or oppressive, or (iii) the enterprise or business of the issuer is based upon unsound business principles;

(F) the offering has been or would be made with unreasonable amounts of underwriters' and sellers' discounts, commissions, or other compensation, or promoters' profits or participation, or unreasonable amounts or kinds of options;

(G) when a security is sought to be registered by notification, it is not eligible for such registration;

(H) when a security is sought to be registered by coordination, there has been a failure to comply with the undertaking required by section 409.303(b)(3) and (4); or

(I) the applicant or registrant has failed to pay the proper filing fee; but the commissioner may enter only a denial order under this clause and he shall vacate any such order when the deficiency has been corrected. The commissioner may not institute a stop order proceeding against an effective registration statement on the basis of a fact or transaction known to him when the registration statement became effective unless the proceeding is instituted within the next thirty days.

(b) The commissioner may by order summarily postpone or suspend the effectiveness of the registration statement pending final determination of any proceeding under this section. Upon the entry of the order, the commissioner shall promptly notify each person specified in subsection (c) that it has been entered and of the reasons therefor and that within fifteen days after the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the commissioner, the order will remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after notice of an opportunity for hearing to each person specified in subsection (c), may modify or vacate the order or extend it until final determination.

(c) No stop order may be entered under any part of this section except the first sentence of subsection (b) without (1) appropriate prior notice to the applicant or registrant, the issuer, and the person on whose behalf the securities are to be or have been offered, (2) opportunity for hearing, and (3) written findings of fact and conclusions of law.

(d) The commissioner may vacate or modify a stop order if he finds that the conditions which prompted its entry have changed or that it is otherwise in the public interest to do so.]

**[409.307. FEDERAL COVERED SECURITIES — COMMISSIONER'S POWERS, DUTIES — FILINGS, FEES. —** (a) The commissioner, by rule or order, may require the filing of any or all of the following documents with respect to a covered security under section 18(b)(2) of the Securities Act of 1933:

(1) Prior to the initial offer of such federal covered security in this state, all documents that are part of a federal registration statement filed with the Securities and Exchange Commission under the Securities Act of 1933, or a notice form adopted by the commissioner in lieu thereof, together with a consent to service of process signed by the issuer and with a filing fee of one hundred dollars;

(2) After the initial offer of such federal covered security in this state, all documents that are part of an amendment to a federal registration statement filed with the Securities and Exchange Commission under the Securities Act of 1933, shall be filed concurrently with the commissioner;

(3) A report of the value of such federal covered securities offered or sold in this state, together with a filing fee at the rate of one-twentieth of one percent of the amount of securities

sold in this state during the previous fiscal year, but in no case shall the filing fee exceed three thousand dollars or be less than one hundred dollars;

(4) Until October 10, 1999, if the fee required under this section has not been promptly paid following a written request by the commissioner, the commissioner may require the registration of that federal covered security. The refusal to remit the fee required by this section, within fifteen days following the issuer's receipt of written notification from the commissioner regarding the nonpayment or underpayment of such fee, shall be proper ground for the entry of an order by the commissioner prohibiting the offer or sale of securities until such registration is effective. The offer or sale in this state of federal covered security, prior to the effectiveness of such registration shall constitute a violation of this act.

(b) With respect to any security that is a covered security under section 18(b)(4)(D) of the Securities Act of 1933, the commissioner, by rule or order, may require the issuer to file a notice on SEC Form D and a consent to service of process signed by the issuer no later than fifteen days after the first sale of such covered security in this state, together with a filing fee of one hundred dollars.

(c) The commissioner, by rule or order, may require the filing of any document filed with the Securities and Exchange Commission under the Securities Act of 1933, with respect to a covered security under section 18(b)(3) or (4) of the Securities Act of 1933.

(d) The commissioner may issue a stop order suspending the offer and sale of a covered security, except a covered security under section 18(b)(1) of the Securities Act of 1933, if he finds that (1) the order is in the public interest and (2) there is a failure to comply with any condition established under this section.

(e) The commissioner, by rule or order, may waive any or all of the provisions of this section.]

**[409.401. DEFINITIONS.** — When used in sections 409.101 to 409.419, unless the context otherwise requires:

(a) "Commissioner" means the commissioner of securities;

(b) "Agent" means any individual other than a broker-dealer who represents a broker-dealer or issuer in effecting or attempting to effect purchases or sales of securities. "Agent" does not include an individual who represents (1) an issuer in (a) effecting transactions in a security exempted by clause (1), (2), (3), (4), (6), (9), (10) or (11) of section 409.402(a), (b) effecting transactions in a security exempted by clause (5) of section 409.402(a), provided such individual prior to the transactions files with the commissioner information on (A) his relationship to the issuer and its affiliates, (B) his proposed methods of soliciting the transactions including sales literature to be used, and (C) commissions and other remuneration he is to receive for effecting the transactions, and such additional information as the commissioner may require, (c) effecting transactions exempted by section 409.402(b), (d) effecting transactions with existing employees, partners or directors of the issuer if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state, (e) effecting transactions in a covered security as described in sections 18(b)(3) and 18(b)(4)(D) of the Securities Act of 1933; (2) a broker-dealer in effecting transactions in this state limited to those transactions described in section 15(h)(2) of the Securities Exchange Act of 1934; or (3) effecting transactions with such other persons as the commissioner may by rule or order designate. A partner, officer, or director of a broker-dealer or issuer, or a person occupying a similar status or performing similar functions, is an agent only if he otherwise comes within this definition;

(c) "Broker-dealer" means any person engaged in the business of effecting transactions in securities for the account of others or for his own account. "Broker-dealer" does not include (1) an agent, (2) an issuer, (3) a bank, savings institution, or trust company, or (4) a person who has no place of business in this state if (A) he effects transactions in this state exclusively with or through (i) the issuers of the securities involved in the transactions, (ii) other broker-dealers, or (iii) banks, savings institutions, trust companies, insurance companies, investment companies as

defined in the Investment Company Act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (B) the person has fewer than five clients in the state of Missouri, or (5) such other persons as the commissioner may by rule or order designate;

(d) "Federal covered adviser" means a person who is (1) registered pursuant to section 203 of the Investment Advisers Act of 1940; or (2) is excluded from the definition of "investment adviser" pursuant to section 202(a)(11) of the Investment Advisers Act of 1940;

(e) "Federal covered security" means any security that is a covered security pursuant to section 18(b) of the Securities Act of 1933 or rules or regulations promulgated thereunder;

(f) "Fraud", "deceit", and "defraud" are not limited to common-law deceit;

(g) "Guaranteed" means guaranteed as to payment of principal, interest, or dividends;

(h) "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. "Investment adviser" also includes financial planners and other persons who, as an integral component of other financially related services, provide the foregoing investment advisory services to others for compensation and as part of a business or who hold themselves out as providing the foregoing investment advisory services to others for compensation; except that "investment adviser" does not include (1) an investment adviser representative; (2) a bank, savings institution, or trust company; (3) a lawyer, accountant, engineer, or teacher whose performance of these services is solely incidental to the practice of his profession; (4) a broker-dealer or his agent whose performance of these services is solely incidental to the conduct of his business as a broker-dealer and who receives no special compensation for them; (5) a publisher of any bona fide newspaper, news column, newsletter, news magazine, or business or financial publication or service, whether communicated in hard copy form, or by electronic means, or otherwise, that does not consist of the rendering of advice on the basis of the specific investment situation of each client; (6) any person that is a federal covered adviser; or (7) such other persons not within the intent of this subsection as the commissioner may by rule or order designate;

(i) "Investment adviser representative" means any partner, officer, director or other individual employed by or associated with an investment adviser, except clerical or ministerial personnel, who is employed by or associated with an investment adviser that is registered or required to be registered pursuant to sections 409.101 to 409.419, or who has a place of business located in this state and is employed by or associated with a federal covered adviser; and who does any of the following: (1) makes any recommendations or otherwise renders advice regarding securities, except that investment adviser representative does not include an individual whose performance of these services is solely incidental to the conduct of his business as an "agent" of a broker-dealer and who receives no special compensation for them, (2) manages accounts or portfolios of clients, (3) determines which recommendation or advice regarding securities should be given, or (4) supervises employees who perform any of the foregoing;

(j) "Issuer" means any person who issues or proposes to issue any security, except that (1) with respect to certificates of deposit, voting-trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors or persons performing similar functions or of the fixed, restricted management, or unit type, the term "issuer" means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which the security is issued; and (2) with respect to certificates of interest or participation in oil, gas, or mining titles or leases, or in payments out of production under such titles or leases there is not considered to be any "issuer";

(k) "Non-issuer" means not directly or indirectly for the benefit of the issuer;

(l) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interests of the beneficiaries are evidenced by a security, an unincorporated organization, a government, or a political subdivision of a government;

(m) (1) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value.

(2) "Offer" or "offer to sell" includes every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security for value.

(3) Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value.

(4) A purported gift of assessable stock is considered to involve an offer and sale.

(5) Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security.

(6) The terms defined in this subsection do not include (A) any bona fide pledge or loan; (B) any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the dividend other than the surrender of a right to a cash or property dividend when each stockholder may elect to take the dividend in cash or property or in stock; (C) any act incident to a class vote by stockholders, pursuant to the certificate of incorporation or the applicable corporation statute, on a merger, consolidation, reclassification of securities, or sale of corporate assets in consideration of the issuance of securities of another corporation; or (D) any act incident to a judicially approved reorganization in which a security is issued in exchange for one or more outstanding securities, claims, or property interests, or partly in such exchange and partly for cash;

(n) "Securities Act of 1933", "Securities Exchange Act of 1934", "Public Utility Holding Company Act of 1935", "Investment Advisers Act of 1940", and "Investment Company Act of 1940" mean the federal statutes of those names as amended before or after January 1, 1968;

(o) "Security" means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; collateral-trust certificate; preorganization certificate or subscription; transferable share; investment contract; limited partnership interest; voting-trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas, or mining title or lease or in payments out of production under such a title or lease; or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or for some other specified period;

(p) "State" means any state, territory, or possession of the United States, the District of Columbia and Puerto Rico;

(q) "Cooperative association" means any association in which farmers act together in processing, preparing for market, handling, and/or marketing the farm products of persons so engaged, and also means any association in which farmers act together in purchasing, testing, grading, processing, distributing and/or furnishing farm supplies and/or farm business services; provided, however, that such associations are operated for the mutual benefit of the members thereof as such producers or purchasers and conform to one or both of the following requirements: (1) no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein, and (2) the association does not pay dividends on stock or membership capital in excess of eight percent per year, and in any case to the following:

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(3) the association does at least twenty-five percent of its business with its members; further, all business transacted by any cooperative association for or on behalf of the United States or any agency or instrumentality thereof shall be disregarded in determining the volume of member and nonmember business transacted by such association.]

**[409.402. EXEMPTIONS.** — (a) The following securities are exempted from sections 409.301 and 409.403:

(1) Any security (including a revenue obligation) issued or guaranteed by the United States, any state, any political subdivision of a state, or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing;

(2) Any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing, or any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer or guarantor;

(3) Any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized pursuant to the laws of the United States, or any bank, savings institution, or trust company organized and supervised pursuant to the laws of any state;

(4) Any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association, or any building and loan or similar association organized pursuant to the laws of any state and authorized to do business in this state;

(5) Any security issued by an agricultural cooperative corporation organized pursuant to the laws of this state and operated as an agricultural "cooperative association" if the commissioner is notified in writing thirty days, or such shorter period of time as the commissioner may by rule or order specify, before any such security is sold or offered for sale other than in transactions exempted pursuant to subsection (b) of this section, which notification shall contain the form of prospectus or other sales literature intended to be used in connection with the offering of such security together with financial statements;

(6) Any security issued or guaranteed by any federal credit union or any credit union, industrial loan association, or similar association organized and supervised pursuant to the laws of this state;

(7) Any security issued or guaranteed by any railroad, other common carrier, public utility, or holding company which is (A) subject to the jurisdiction of the Interstate Commerce Commission; (B) a registered holding company pursuant to the Public Utility Holding Company Act of 1935 or a subsidiary of such a company within the meaning of that act; (C) regulated in respect of its rates and charges by a governmental authority of the United States or any state; or (D) regulated in respect of the issuance or guarantee of the security by a governmental authority of the United States, any state, Canada, or any Canadian province;

(8) Any security listed or approved for listing upon notice of issuance on the New York Stock Exchange, the American Stock Exchange, or the Midwest Stock Exchange or any other duly organized stock exchange approved by the commissioner by rule or order; any other security of the same issuer which is of senior or substantially equal rank, any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing;

(9) Any security issued by any person organized and operated not for private profit but exclusively for religious, educational, benevolent, charitable, fraternal, social, athletic, or reformatory purposes, or as a chamber of commerce or trade or professional association if the commissioner is notified in writing thirty days, or such shorter period of time as the commissioner may by rule or order specify, before any such security is sold or offered for sale other than in transactions exempted pursuant to subsection (b) of this section;

(10) Any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within nine months of the date of issuance, exclusive of days of grace, or any renewal of such paper which is likewise limited, or any guarantee of such paper or of any such renewal;

(11) Any security offered, sold, issued, distributed or transferred in connection with an employees' stock ownership, savings, pension, profit-sharing, stock bonus, or similar benefit plan or trust (including a self-employed persons retirement plan), provided, in the case of plans or trusts which are not qualified pursuant to section 401 of the Internal Revenue Code of 1954 and which provide for contributions by employees, if the commissioner is notified in writing thirty days before the inception of the plan or, with respect to plans which are in effect on January 1, 1968, within sixty days thereafter (or within thirty days before they are reopened if they are closed on January 1, 1968). The commissioner may for good cause shown accept written notification at any time before the issuance of any such security in this state or any security offered, sold, issued, distributed or transferred in connection with an employees' stock purchase or stock option plan. In the case of issuers who do not have a class of securities registered pursuant to section 12 of the Securities Exchange Act of 1934 the commissioner may for good cause shown accept notification in writing before the first issuance of interests or participations under a stock purchase plan or before the first exercise of options under a stock option plan.

(b) The following transactions are exempted from sections 409.301 and 409.403 except that no transaction in a certificate of interest or participation, including a limited partnership interest, in an oil, gas or mining title or lease, or in payments out of production or under such a title or lease shall be so exempted:

(1) Any isolated nonissuer transaction, whether effected through a broker-dealer or not;

(2) Any nonissuer distribution of an outstanding security if (A) a recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or (B) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the security;

(3) Any nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order to buy if the broker-dealer acts as agent for the purchaser and receives no commission or other compensation from any source other than the purchase; but the commissioner may by rule require that the purchaser acknowledge upon a specified form that his or her order to buy was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period;

(4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters;

(5) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit;

(6) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator;

(7) Any transaction executed by a bona fide pledgee without any purpose of evading this act;

(8) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profitsharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity;

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(9) Any transaction by an issuer in a security of its own issue if immediately thereafter the total number of persons who are known to the issuer to have any direct or indirect record or beneficial interest in any of its securities (but not including persons with whom transactions have been exempted by paragraph (8) of this subsection) does not exceed twenty-five and if no commission or other remuneration is paid or given to anyone for procuring or soliciting the transaction;

(10) Any transaction by an issuer in a security of its own issue if (A) during the twelve months' period ending immediately after such transaction the issuer will have made no more than fifteen transactions exempted by this paragraph (other than transactions also exempted by paragraphs (8) and (9), and (B) the issuer reasonably believes that the buyer is purchasing for investment and the buyer so represents in writing and (C) no commission or other remuneration is paid or given to anyone for procuring or soliciting the sale; but the commissioner may by rule or order, as to any security or transaction or any type of security or transaction, withdraw or further condition this exemption, or increase or decrease the number of prior transactions permitted by clause (A) or waive the conditions in clauses (B) or (C) with or without the substitution of a limitation on remuneration;

(11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if (A) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state, or (B) the issuer first files a notice specifying the terms of the offer and the commissioner does not by order disallow the exemption within the next five full business days;

(12) Any offer (but not a sale) of a security for which registration statements have been filed pursuant to both this act and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending pursuant to either act;

(13) Any nonissuer transaction by a person who does not control, or who is not controlled by or under common control with, the issuer in a security which has been (and securities which are of the same class as securities of the same issuer which have been) either registered for sale pursuant to the laws of this state regulating the sale of securities or lawfully sold in this state as a security exempt from such registration;

(14) Any nonissuer transaction in a security which at the time of such transaction would be eligible for registration by notification;

(15) Any nonissuer transaction by a person who does not control, and is not controlled by or under common control with, the issuer if (i) the transaction is at a price reasonably related to the current market price, and (ii) the security is registered with the Securities and Exchange Commission pursuant to section 12 of the Securities Exchange Act of 1934 and the issuer files reports with the Securities and Exchange Commission pursuant to section 13 of that act;

(16) Any patronage distributions of an agricultural cooperative corporation received by a patron or member in the form of capital stock, revolving fund certificate, retain certificate, certificate of indebtedness, letter of advice, or other written notice.

(c) The commissioner may by rule or order exempt from sections 409.301 and 409.403 any other transaction not exempted in subsection (b), and may by order withdraw or condition the exemption as the commissioner deems necessary in the public interest.

(d) The commissioner may by order deny or revoke any exemption specified in clause (9) or (11) of subsection (a) or in subsection (b) with respect to a specific security or transaction. No such order may be entered without appropriate prior notice to all interested parties, opportunity for hearing, and written findings of fact and conclusions of law, except that the commissioner may by order summarily deny or revoke any of the specified exemptions pending final determination of any proceeding pursuant to this subsection. Upon the entry of a summary order, the commissioner shall promptly notify all interested parties that it has been entered and

of the reasons therefor and that within fifteen days of the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the commissioner the order will remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after notice of and opportunity for hearing to all interested persons, may modify or vacate the order or extend it until final determination. No order pursuant to this subsection may operate retroactively. No person may be considered to have violated section 409.301 or 409.403 by reason of any offer or sale effected after the entry of an order pursuant to this subsection if he or she sustains the burden of proof that he or she did not know, and in the exercise of reasonable care could not have known, of the order.

(e) The commissioner may by order after a hearing deny or revoke any exemption for a security issued by an agricultural cooperative corporation not qualifying pursuant to clause (5) of subsection (a).

(f) In any proceeding pursuant to this act, the burden of proving an exemption, qualification as a federal covered security, or an exception from a definition is upon the person claiming it.

(g) A person required to file for an exemption pursuant to this section shall pay a fee not to exceed one hundred dollars.]

**[409.403. FILING OF SALES AND ADVERTISING LITERATURE.** — The commissioner may by rule or order require the filing of any prospectus, pamphlet, circular, form letter, advertisement, or other sales literature or advertising communication addressed or intended for distribution to prospective investors, including clients or prospective clients of an investment adviser, unless the security or transaction is exempted by section 409.402 or the security is a federal covered security or the transaction is with respect to a federal covered security.]

**[409.404. MISLEADING FILINGS.** — It is unlawful for any person to make or cause to be made, in any document filed with the commissioner or in any proceeding under this act, any statement which is, at the time and in the light of the circumstances under which it is made, false or misleading in any material respect.]

**[409.405. UNLAWFUL REPRESENTATIONS CONCERNING REGISTRATION OR EXEMPTION.** — (a) Neither (1) the fact that an application for registration or a registration statement has been filed under this chapter nor (2) the fact that a person or security is effectively registered constitutes a finding by the commissioner that any document filed under this act is true, complete, and not misleading. Neither any such fact nor the fact that an exemption or exception is available for a security or a transaction means that the commissioner has passed in any way upon the merits or qualifications of, or recommended or given approval to, any person, security, or transaction.

(b) It is unlawful to make, or cause to be made, to any prospective purchaser, customer, or client any representation inconsistent with subsection (a).]

**[409.406. ADMINISTRATION OF ACT.** — (a) Sections 409.101 to 409.419 shall be administered by the commissioner of securities who shall act under the direction of the secretary of state, shall be appointed and shall receive compensation as provided by law.

(b) It is unlawful for the secretary of state, the commissioner or any other officers or employees of the secretary of state or of the commissioner to use for personal benefit any information which is filed with or obtained by the commissioner and which is not made public. No provision of sections 409.101 to 409.419 authorizes the secretary of state, the commissioner or any other officers or employees of the secretary of state or of the commissioner to disclose any such information except among themselves or when necessary or appropriate in a proceeding or investigation under sections 409.101 to 409.419. No provision of sections 409.101 to 409.419 either creates or derogates from any privilege which exists at common law or otherwise when

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documentary or other evidence is sought under a subpoena directed to the secretary of state, the commissioner or any other officers or employees of the secretary of state or of the commissioner.]

**[409.407. INVESTIGATIONS AND SUBPOENAS — UNEXPENDED BALANCE NOT TO LAPSE INTO GENERAL REVENUE — VIOLATIONS IN OTHER STATES — INVESTIGATIONS, AUTHORITY TO APPOINT. — (a) The commissioner in his discretion:**

(1) May make such public or private investigations and inspections within or outside of this state as he deems necessary to determine whether any registration should be granted, denied or revoked or whether any person has violated or is about to violate any provision of this act or any rule or order hereunder, or to aid in the enforcement of this act or in the prescribing of rules and forms hereunder,

(2) May require or permit any person to file a statement in writing, under oath or otherwise as the commissioner determines, as to all the facts and circumstances concerning the matter to be investigated, and

(3) May publish information concerning any violation of this act or any rule or order hereunder.

(b) For the purpose of any investigation or proceeding under this act, the commissioner or any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, agreements or other documents or records which the commissioner deems relevant or material to the inquiry.

(c) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the circuit court of any county of the state or the city of St. Louis, upon application by the commissioner may issue to the person an order requiring him to appear before the commissioner, or the officer designated by him, there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

(d) It shall be the duty of all officers of the state of Missouri charged with the enforcement of criminal law to render and furnish to the commissioner when requested all information and assistance in their possession or within their power.

(e) No person is excused from attending and testifying or from producing any document or record before the commissioner or in obedience to the subpoena of the commissioner or any officer designated by him, or in any proceeding instituted by the commissioner, on the ground that the testimony or evidence (documentary or otherwise) required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after claiming his privilege against self-incrimination, to testify or produce evidence (documentary or otherwise) except that the individual testifying is not exempt from prosecution and punishment for perjury or contempt committed in testifying.

(f) As settlement of an investigation the commissioner may receive a fine from any party, receive a payment to the secretary of state's investor education fund, create a restitution fund for Missouri investors, or receive a voluntary payment for the cost of the investigation. Notwithstanding the provisions of section 33.080, RSMo, any moneys remaining in the secretary of state's investor education fund at the end of any biennium shall not be transferred to the general revenue fund.

(g) The commissioner may issue and apply to enforce subpoenas and subpoenas duces tecum in this state at the request of a securities agency or the administrator of another state if the activities constituting the alleged violation for which the information is sought would be a violation of sections 409.101 to 409.418 if the activities had occurred in this state.

(h) The commissioner may appoint such special investigators to aid in investigation of persons under sections 409.101 to 409.419. Such investigators shall have all authority of a law

enforcement officer meeting the requirements of chapter 590, RSMo, except the authority to carry weapons.]

**[409.408. FRAUDULENT PRACTICES, ORDER PROHIBITING.]** — (a) The commissioner may require any person, who is selling or offering for sale or who is about to sell or offer for sale or who has sold or offered for sale any security within this state, to file a statement of the claim of exemption or exception from a definition, if any, upon which such person is relying, and if at any time, in the opinion of the commissioner, the information contained in such statement filed is misleading, incorrect, inadequate or fails to establish the right of exemption or exception from a definition, he may require such person to file such further information as may in his opinion be necessary to establish the claimed exemption or exception from a definition. The refusal to furnish information as required by order of the commissioner pursuant to the provisions of this subsection, within a reasonable time to be fixed by the commissioner, shall be proper ground for the entry of an order by the commissioner suspending the right to sell such security and/or suspending or canceling the registration of the broker-dealer, agent or investment adviser.

(b) Whenever it shall appear to the commissioner, either upon complaint or otherwise, that any person in connection with the purchase or sale of any security, including any security exempted under any of the provisions of section 409.402, or in connection with investment advisory activities, is acting or about to act fraudulently therein, or is employing or about to employ any device, scheme, or artifice to defraud or for obtaining money or property by means of any false pretense, representation, or attempting to make in the state of Missouri fictitious or pretended purchases or sales of any such security or to engage in unlawful investment advisory activities, or is engaged in or about to engage in any practice or transaction or course of business relating to the purchase or sale of any such security or the business of an investment adviser which is fraudulent or in violation of law and if the commissioner deems it in the public interest to do so, he may require such person to file a statement in writing, under oath or otherwise, as to all the facts and circumstances concerning the subject matter, which he believes it to be in the interest of the public to investigate and may make or have made such further investigation as he may deem necessary, and if the commissioner shall believe, from evidence satisfactory to him, that such person is engaged or about to engage in any of the fraudulent or illegal practices or transactions above in this subsection referred to, he may issue and cause to be served upon such person and any other person or persons concerned or in any way participating in or about to participate in such fraudulent or illegal practices or transactions, an order prohibiting such person and such other person or persons from continuing such fraudulent or illegal practices or transactions or engaging therein or doing any act or acts in furtherance thereof and the commissioner shall have full power in each case to make such order or orders under this section as he may deem just and he may either prohibit the further sale by such person or persons of any securities connected with or related to said fraudulent or illegal practices or transaction, or he may fix the terms and conditions on which the sale of such securities may be made, or he may prohibit such person or persons from acting as an investment adviser, or he may fix the terms and conditions under which such person or persons may act as investment adviser, and it is hereby made unlawful for any person having been served with any such order, or having knowledge of the issuance of said order, and while said order remains in effect, either as originally issued or as modified, to violate any of the provisions thereof.]

**[409.409. INJUNCTIONS.]** — Whenever it appears to the commissioner that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this act or any rule or order hereunder, he may in his discretion bring an action in the circuit court of any county of the state or the city of St. Louis to enjoin the acts or practices and to enforce compliance with this act or any rule or order hereunder. Upon a proper showing a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver

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or conservator may be appointed for the defendant or the defendant's assets. The court may not require the commissioner to post a bond.]

**[409.410. CRIMINAL PENALTIES.** — (a) Any person who willfully violates any provision of this act, except section 409.404, or any person who has been personally served with any cease and desist order under this act who thereafter willfully violates the same, or any person who willfully violates section 409.404, knowing the statement made to be false or misleading in any material respect, shall upon conviction be fined not more than five hundred thousand dollars or imprisoned not more than ten years, or both.

(b) The commissioner may refer such evidence as is available concerning violations of this act or of any rule or order hereunder to the attorney general or the proper prosecuting attorney or circuit attorney, who may, with or without such a reference, institute the appropriate criminal proceedings under this act.

(c) Nothing in this act limits the power of the state to punish any person for any conduct which constitutes a crime by statute or at common law.]

**[409.411. CIVIL LIABILITIES.** — (a) Any person who:

(1) Offers or sells a security in violation of section 409.201(a), 409.301, or 409.405(b), or of any rule or order under section 409.403 which requires the affirmative approval of sales literature before it is used, or of any condition imposed under section 409.304(d), 409.305(f), or 409.305(g); or

(2) Offers or sells a security by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading (the buyer not knowing of the untruth or omission), and who does not sustain the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of the untruth or omission, is liable to the person buying the security from him, who may sue either at law or in equity to recover the amount specified under subsection (j) of this section.

(b) Any person who:

(1) Engages in the business of advising others, for compensation, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities in violation of section 409.102, 409.201(c) or (d), 409.405(b); or

(2) Receives directly or indirectly any consideration from another person for advice as to the value of securities or their purchase or sale, whether through the issuance of analyses, reports or otherwise and employs any device, scheme, or artifice to defraud such other person or engages in any act, practice or course of business which operates or would operate as a fraud or deceit on such other person, is liable to that person who may sue either at law or in equity to recover the consideration paid for such advice and any loss due to such advice, together with interest at eight percent per year from the date of payment of the consideration plus costs and reasonable attorney's fees, less the amount of any income received from such advice in the amount specified in subsection (j) of this section.

(c) Every person who directly or indirectly controls a person liable under subsections (a) and (b) of this section, including every partner, officer, or director of such a person, every person occupying a similar status or performing similar functions, every employee of such a person who materially aids in the conduct giving rise to the liability, and every broker-dealer or agent who materially aids in such conduct is also liable jointly and severally with and to the same extent as such person, unless able to sustain the burden of proof that he did not know, and in exercise of reasonable care could not have known, of the existence of the facts by reason of which the liability is alleged to exist. There is contribution as in cases of contract among the several persons so liable.

(d) Any tender specified in this section may be made at any time before entry of judgment.

(e) Every cause of action under this statute survives the death of any person who might have been a plaintiff or defendant.

(f) No person may sue under this section more than three years after the contract of sale, or the rendering of investment advice.

(g) No person may sue under this section (1) if the buyer received a written offer, before suit and at a time when he owned the security, to refund the consideration paid together with interest at eight percent per year from the date of payment, less the amount of any income received on the security, and he failed to accept the offer within thirty days of its receipt, or (2) if the buyer received such an offer before suit and at a time when he did not own the security, unless he rejected the offer in writing within thirty days of its receipt.

(h) No person who has made or engaged in the performance of any contract in violation of any provision of sections 409.101 to 409.419 or any rule or order hereunder, or who has acquired any purported right under any such contract with knowledge of the facts by reason of which its making or performance was in violation, may base any suit on the contract.

(i) Any condition, stipulation, or provision binding any person acquiring any security or receiving any investment advice to waive compliance with any provision of sections 409.101 to 409.419 or any rule or order hereunder is void.

(j) The amounts recoverable by a person damaged as a result of a violation of subsection (a) or (b) of this section shall be the consideration paid for the purchase of the security together with interest at eight percent per year from the date of payment, cost, and reasonable attorney's fees, less the amount of any income received on the security, upon the tender of the security, or for damages if he no longer owns the security. "Damages" is the amount that would be recoverable upon the tender less the value of the security when the buyer disposed of it and interest at eight percent per year from the date of disposal. An action pursuant to a violation of subsection (b) of this section may not be maintained except by those persons who directly receive advice from the person charged with the violation. Any recovery under subsection (b) of this section must be offset by any recovery received from any source under subsection (a) of this section.

(k) The rights and remedies provided by sections 409.101 to 409.419 are in addition to any other rights or remedies that may exist at law or in equity, but sections 409.101 to 409.419 do not create any cause of action not specified in this section or section 409.202(e).]

**[409.412. JUDICIAL REVIEW OF ORDERS.** — (a) Except as otherwise provided in section 409.204, any interested person aggrieved by any order of the commissioner under any provision of this chapter, or by any refusal or failure of the commissioner to make an order under any of said provisions, shall be entitled to a hearing before the commissioner in accordance with the provisions of chapter 536, RSMo.

(b) The circuit court of Cole County shall have jurisdiction in equity to review, modify, amend or annul any ruling, finding or order of the commissioner. At any hearing in the course of such proceeding, a transcript of any testimony before the commissioner in such case, duly certified by the commissioner, shall be admitted as evidence.

(c) Any such final order or decree of the circuit court of Cole County may be reexamined and affirmed, reversed or modified by the supreme court of the state of Missouri upon appeal by either party to be taken in the same manner and under the same rules as exist or may be hereafter provided in cases of appeals from decrees rendered in circuit court.

(d) The commencement of proceedings under subsection (a) does not, unless specifically ordered by the court, operate as a stay of the commissioner's order.

(e) Every hearing in an administrative proceeding shall be public unless the commissioner in his discretion grants a request joined in by all the respondents that the hearing be conducted privately.]

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**[409.413. RULES, FORMS, AND ORDERS.]** — (a) The commissioner may from time to time make, amend, and rescind such rules, forms, and orders as are necessary to carry out the provisions of this act, including rules and forms governing registration statements, applications, and reports, and defining any terms, whether or not used in this act, insofar as the definitions are not inconsistent with the provisions of this act. For the purpose of rules and forms, the commissioner may classify securities, persons, and matters within his jurisdiction, and prescribe different requirements for different classes.

(b) No rule, form, or order may be made, amended, or rescinded unless the commissioner finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of this act. In prescribing rules and forms the commissioner may cooperate with the securities commissioners of the other states and the Securities and Exchange Commission with a view to effectuating the policy of this statute to achieve maximum uniformity in the form and content of registration statements, applications, and reports wherever practicable.

(c) The commissioner may by rule or order prescribe (1) the form and content of financial statements required under this act, (2) the circumstances under which consolidated financial statements shall be filed, and (3) whether any required financial statements shall be certified by independent or certified public accountants. All financial statements shall be prepared in accordance with generally accepted accounting practices.

(d) All rules and forms of the commissioner shall be published.

(e) No provision of this act imposing any liability applies to any act done or omitted in good faith in conformity with any rule, form, or order of the commissioner, notwithstanding that the rule, form, or order may later be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.]

**[409.414. ADMINISTRATIVE FILES AND OPINIONS.]** — (a) A document is filed when it is received by the commissioner and all original documents so filed shall be kept by the commissioner as a part of the permanent records of his office.

(b) The commissioner shall keep a register of all applications for registration and registration statements which are or have ever been effective under this act and all denial, suspension, or revocation orders which have ever been entered under this act. The register shall be open for public inspection.

(c) The information contained in or filed with any registration statement, application or report may be made available to the public under such rules as the commissioner prescribes; provided, however, that the commissioner shall have power to place in a separate file not open to the public except on his special order, any information which he deems in justice to the person filing the same should not be made public.

(d) Upon request and at such reasonable charges as he prescribes, the commissioner shall furnish to any person photostatic or other copies (certified under his seal of office if requested) of any entry in the register or any document which is a matter of public record. In any proceeding or prosecution under this act, any copy so certified is prima facie evidence of the contents of the entry or document certified.

(e) The commissioner in his discretion may honor requests from interested persons for interpretative opinions, and may make a charge therefor not to exceed the sum of one hundred dollars; provided, however, that the commissioner shall, when requested by any member of the general assembly, render such interpretative opinion without charge and within a reasonable time.

(f) An exemplification of the record under the hand and the seal of the commissioner shall be good and sufficient evidence of any record made or entered by said commissioner. A certificate under the hand and seal of the commissioner showing that the securities in question have not been recorded in the register of qualified securities, shall constitute prima facie evidence

that such securities have not been qualified for sale pursuant to the provisions of this chapter, and shall be admissible in evidence in any proceeding to enforce the provisions of this chapter.]

**[409.415. SCOPE OF THE ACT AND SERVICE OF PROCESS.** — (a) Sections 409.101, 409.201(a), 409.301, 409.307, 409.405, and 409.411 apply to persons who sell or offer to sell when (1) an offer to sell is made in this state, or (2) an offer to buy is made and accepted in this state.

(b) Sections 409.101, 409.201(a), and 409.405 apply to persons who buy or offer to buy when (1) an offer to buy is made in this state, or (2) an offer to sell is made and accepted in this state.

(c) For the purpose of this section, an offer to sell or to buy is made in this state, whether or not either party is then present in this state, when the offer (1) originates from this state or (2) is directed by the offeror to this state and received at the place to which it is directed (or at any post office in this state in the case of a mailed offer); provided, however, if an offer is directed to an offeree in a state other than this state and that offer would be lawful if made in such other state, then for the purposes of this section such offer is not made in this state.

(d) For the purpose of this section, an offer to buy or to sell is accepted in this state when acceptance (1) is communicated to the offeror in this state and (2) has not previously been communicated to the offeror, orally or in writing, outside this state; and acceptance is communicated to the offeror in this state, whether or not either party is then present in this state, when the offeree directs it to the offeror in this state reasonably believing the offeror to be in this state and it is received at the place to which it is directed (or at any post office in this state in the case of a mailed acceptance).

(e) An offer to sell or to buy is not made in this state when (1) the publisher circulates or there is circulated on his behalf in this state any bona fide newspaper or other publication of general, regular, and paid circulation which is not published in this state, or which is published in this state but has had more than two-thirds of its circulation outside this state during the past twelve months, or (2) a radio or television program originating outside this state is received in this state.

(f) Sections 409.102 and 409.201(c), as well as section 409.405 so far as investment advisers are concerned, apply when any act instrumental in effecting prohibited conduct is done in this state, whether or not either party is then present in this state.

(g) Every applicant for registration under this act and every issuer which proposes to offer a security in this state through any person acting on an agency basis in the common-law sense shall file with the commissioner in such form as he by rule prescribes, an irrevocable consent appointing the commissioner or his successor in office to be his attorney to receive service of any lawful process in any noncriminal suit, action, or proceeding against him or his successor executor or administrator which arises under this act or any rule or order hereunder after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who has filed such a consent in connection with a previous registration or notice filing need not file another. Service may be made by leaving a copy of the process in the office of the commissioner, but it is not effective unless (1) the plaintiff, who may be the commissioner in a suit, action, or proceeding instituted by him, forthwith sends notice of the service and a copy of the process by registered mail to the defendant or respondent at his last address on file with the commissioner, and (2) the plaintiff's affidavit of compliance with this subsection is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

(h) When any person, including any nonresident of this state, engages in conduct prohibited or made actionable by this act or any rule or order hereunder, and he has not filed a consent to service of process under subsection (g) and personal jurisdiction over him cannot otherwise be obtained in this state, that conduct shall be considered equivalent to his appointment of the commissioner or his successor in office to be his attorney to receive service of any lawful

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process in any noncriminal suit, action, or proceeding against him or his successor executor or administrator which grows out of that conduct and which is brought under this act or any rule or order hereunder, with the same force and validity as if served on him personally. Service may be made by leaving a copy of the process in the office of the commissioner, and it is not effective unless (1) the plaintiff, who may be the commissioner in a suit, action, or proceeding instituted by him, forthwith sends notice of the service and a copy of the process by registered mail to the defendant or respondent at his last known address or takes other steps which are reasonably calculated to give actual notice, and (2) the plaintiff's affidavit of compliance with this subsection is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

(i) When process is served under this section, the court, or the commissioner in a proceeding before him, shall order such continuance as may be necessary to afford the defendant or respondent reasonable opportunity to defend.]

**[409.416. SHORT TITLE.** — Sections 409.101 to 409.418 may be cited as the "Missouri Uniform Securities Act".]

**[409.418. REPEAL AND SAVING PROVISIONS.** — (a) Prior law exclusively governs all suits, actions, prosecutions, or proceedings which are pending or may be initiated on the basis of facts or circumstances occurring before January 1, 1968, except that no civil suit or action may be maintained to enforce any liability under prior law unless brought within any period of limitation which applied when the cause of action accrued and in any event within two years after January 1, 1968.

(b) All effective registrations under prior law, all administrative orders relating to such registrations, and all conditions imposed upon such registrations remain in effect so long as they would have remained in effect if this act had not been passed. They are considered to have been filed, entered, or imposed under this act, but are governed by prior law.

(c) Prior law applies in respect of any offer or sale made within one year after January 1, 1968, pursuant to an offering begun in good faith before January 1, 1968, on the basis of an exemption available under prior law.

(d) Judicial review of all administrative orders as to which review proceedings have not been instituted by January 1, 1968, are governed by section 409.412, except that no review proceeding may be instituted unless the petition is filed within any period of limitation which applied to a review proceeding when the order was entered and in any event within sixty days after January 1, 1968.]

**[409.420. COMMISSIONER'S AUTHORITY TO COOPERATE TO ACHIEVE UNIFORMITY OF INTERPRETATION AND ENFORCEMENT.** — (a) To encourage uniform interpretation and administration of sections 409.101 to 409.419 and effective securities regulation and enforcement, the commissioner may cooperate with the securities agencies or administrators of one or more states, Canadian provinces or territories, or another country, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Securities Investor Protection Corporation, any self-regulatory organization, any national or international organization of securities officials or agencies, and any governmental law enforcement or regulatory agency.

(b) The cooperation authorized by subsection (a) of this section includes, but is not limited to, the following actions:

(1) Establishing a central depository for registration under sections 409.101 to 409.419 and for documents or records required or allowed to be maintained under sections 409.101 to 409.419;

(2) Making a joint registration examination or investigation;

(3) Holding a joint administrative hearing;

- (4) Filing and prosecuting a joint civil or administrative proceeding;
- (5) Sharing and exchanging personnel;
- (6) Sharing and exchanging information and documents subject to the restrictions of 15 CSR 30-50.020(10); and
- (7) Formulating, in accordance with chapter 536, RSMo, rules or proposed rules on matters such as statements of policy, guidelines, and interpretative opinions and releases.]

**[409.421. RULES, PROCEDURE TO ADOPT, SUSPEND AND REVOKE. —** 1. No rule or portion of a rule promulgated under the authority of sections 409.101 to 409.420 shall become effective until it has been approved by the joint committee on administrative rules in accordance with the procedures provided in this section, and the delegation of the legislative authority to enact law by the adoption of such rules is dependent upon the power of the joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided in this section.

2. Upon filing any proposed rule with the secretary of state, the commissioner shall concurrently submit such proposed rule to the committee, which may hold hearings upon any proposed rule or portion thereof at any time.

3. A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more hearings upon such final order of rulemaking during the thirty-day period. If the committee does not disapprove such order of rulemaking within the thirty-day period, the commissioner may file such order of rulemaking with the secretary of state and the order of rulemaking shall be deemed approved.

4. The committee may, by majority vote of the members, suspend the order of rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking only for one or more of the following grounds:

- (1) An absence of statutory authority for the proposed rule;
- (2) An emergency relating to public health, safety or welfare;
- (3) The proposed rule is in conflict with state law;
- (4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based.

5. If the committee disapproves any rule or portion thereof, the commissioner shall not file such disapproved portion of any rule with the secretary of state and the secretary of state shall not publish in the Missouri Register any final order of rulemaking containing the disapproved portion.

6. If the committee disapproves any rule or portion thereof, the committee shall report its findings to the senate and the house of representatives. No rule or portion thereof disapproved by the committee shall take effect so long as the senate and the house of representatives ratify the act of the joint committee by resolution adopted in each house within thirty legislative days after such rule or portion thereof has been disapproved by the joint committee.

7. Upon adoption of a rule as provided in this section, any such rule or portion thereof may be suspended or revoked by the general assembly either by bill or, pursuant to section 8, article IV of the Constitution of Missouri, by concurrent resolution upon recommendation of the joint committee on administrative rules. The committee shall be authorized to hold hearings and make recommendations pursuant to the provisions of section 536.037, RSMo. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the suspension or revocation.]

Approved May 8, 2003

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## HB 388 [HB 388]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Expands the authorization to create a geographical information system to certain cities.**

AN ACT to repeal section 67.1850, RSMo, and to enact in lieu thereof one new section relating to the creation of a geographical information system in certain municipalities.

**SECTION**

A. Enacting clause.

67.1850. Geographical information system may be created, purpose, open records policy, fees for information, licensing, liability.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 67.1850, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.1850, to read as follows:

**67.1850. GEOGRAPHICAL INFORMATION SYSTEM MAY BE CREATED, PURPOSE, OPEN RECORDS POLICY, FEES FOR INFORMATION, LICENSING, LIABILITY.** — 1. As used in this section, the following terms mean:

- (1) "Community", any municipality or county as defined in this section;
- (2) "County", any county of the first classification without a charter form of government [and a population of at least two hundred thousand inhabitants and containing a city with a population of at least one hundred forty-four thousand but not more than three hundred thousand inhabitants];
- (3) "Geographical information system", a computerized, spatial coordinate mapping and relational database technology which:
  - (a) Captures, assembles, stores, converts, manages, analyzes, amalgamates and records, in the digital mode, all kinds and types of information and data;
  - (b) Transforms such information and data into intelligence and subsequently retrieves, presents and distributes that intelligence to a user for use in making the intelligent decisions necessary for sound management;
- (4) "Municipality", any city with a population of at least [one hundred forty-four thousand but not more than three hundred] ~~sixty~~ thousand inhabitants and located in a county of the first classification without a charter form of government [and a population of at least two hundred thousand inhabitants].

2. The development of geographical information systems has not been undertaken in any large-scale and useful way by private enterprise. The use of modern technology can enhance the planning and decision-making processes of communities. The development of geographical information systems is a time-consuming and expensive activity. In the interest of maintaining community governments open and accessible to the public, information gathered by communities for use in a geographical information system, unless properly made a closed record, should be available to the public. However, access to the information in a way by which a person could render the investment of the public in a geographical information system a special benefit to that person, and not to the public, should not be permitted.

3. Any community as defined in this section may create a geographical information system for the community. The scope of the geographical information system shall be determined by the governing body of the community. The method of creation, maintenance, use and distribution of the geographical information system shall be determined by the governing body

of the community. A community shall not mandate the use of this system or allocate the costs of the system to nonusers.

4. The information collected or assimilated by a community for use in a geographical information system shall not be withheld from the public, unless otherwise properly made a closed record of the community as provided by section 610.021, RSMo. The information collected or assimilated by a community for use in a geographical information system need not be disclosed in a form which may be read or manipulated by computer, absent a license agreement between the community and the person requesting the information.

5. Information collected or assimilated by a community for use in a geographical information system and disclosed in any form, other than in a form which may be read or manipulated by computer, shall be provided for a reasonable fee, as established by section 610.026, RSMo. A community maintaining a geographical information system shall make maps and other products of the system available to the public. The cost of the map or other product shall not exceed a reasonable fee representing the cost to the community of time, equipment and personnel in the production of the map or other product. A community may license the use of a geographical information system. The total cost of licensing a geographical information system may not exceed the cost, as established by section 610.026, RSMo, of the:

(1) Cost to the community of time, equipment and personnel in the production of the information in a geographical information system or the production of the geographical information system; and

(2) Cost to the community of the creation, purchase, or other acquisition of the information in a geographical information system or of the geographical information system.

6. The provisions of this section shall not hinder the daily or routine collection of data[, as defined in section 569.093, RSMo,] from the geographical information system by real estate brokers and agents, title collectors, developers, surveyors, utility companies, banks, news media or mortgage companies, nor shall the provisions allow for the charging of fees for the collection of such data exceeding that allowed pursuant to section 610.026, RSMo. The provisions of this section, however, shall allow a community maintaining a geographical information system to license and establish costs for the use of the system's computer program and computer software[, as defined in section 569.093, RSMo].

7. A community distributing information used in a geographical information system or distributing a geographical information system shall not be liable for any damages which may arise from any error which may exist in the information or the geographical information system.

Approved July 1, 2003

## HB 390 [SS SCS HCS HB 390]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

### **Establishes registration for anesthesiologist assistants.**

AN ACT to repeal section 334.104, RSMo, and to enact in lieu thereof seventeen new sections relating to anesthesiologist assistants, with penalty provisions.

#### SECTION

- A. Enacting clause.
- 334.104. Collaborative practice arrangements, form, delegation of authority — rules, approval, restrictions — disciplinary actions — nurses may provide anesthesia services, when.
- 334.400. Definitions.

- 334.402. Anesthesiologist assistants, may assist in anesthesia care plan for patients, activities authorized and prohibited — identification, assistants and students — faculty members of anesthesia program, requirements.
- 334.404. Licensure, application, fee, contents — license duration — renewal — lost or stolen license, replacement of.
- 334.406. Temporary license issued, when, procedure.
- 334.408. Inactive license status granted, when — return to active status, procedure.
- 334.410. Retirement, affidavit to be filed with board — renewal of registration for resumption of practice.
- 334.412. Licensure without examination permitted, when — reciprocal compacts permitted.
- 334.414. Certificate of registration issued, when — rules promulgated by board — authority of board — complaint procedure — penalty.
- 334.416. Renewal of certificate of registration, when, procedure, fee.
- 334.418. Certificate required to practice, not required, when.
- 334.420. Continuing education requirements, waiver of requirements, when.
- 334.422. Fees, deposit in board of registration for the healing arts fund, use of funds.
- 334.424. Supervision required by anesthesiologist, limitations — written practice protocol required.
- 334.426. Hospitals may limit function of anesthesiologist assistants, procedure.
- 334.428. Anesthesiologist assistant, use of title permitted, when — penalty.
- 334.430. Advisory commission for anesthesiologist assistants established, duties, members, qualifications, terms, vacancies, compensation, annual meetings.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 334.104, RSMo, is repealed and seventeen new sections enacted in lieu thereof, to be known as sections 334.104, 334.400, 334.402, 334.404, 334.406, 334.408, 334.410, 334.412, 334.414, 334.416, 334.418, 334.420, 334.422, 334.424, 334.426, 334.428, and 334.430, to read as follows:

**334.104. COLLABORATIVE PRACTICE ARRANGEMENTS, FORM, DELEGATION OF AUTHORITY — RULES, APPROVAL, RESTRICTIONS — DISCIPLINARY ACTIONS — NURSES MAY PROVIDE ANESTHESIA SERVICES, WHEN.** — 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice nurse as defined in subdivision (2) of section 335.016, RSMo. Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

3. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036, RSMo, may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall

not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197, RSMo.

4. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

5. **Notwithstanding anything to the contrary in this section, a registered nurse who has graduated from a school of nurse anesthesia accredited by the Council on Accreditation of Educational Programs of Nurse Anesthesia or its predecessor and has been certified or is eligible for certification as a nurse anesthetist by the Council on Certification of Nurse Anesthetists shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed.**

**334.400. DEFINITIONS. — As used in sections 334.400 to 334.430, the following terms shall mean:**

(1) "Anesthesiologist", a physician who has completed a residency in anesthesiology approved by the American Board of Anesthesiology or the American Osteopathic Board of Anesthesiology;

(2) "Anesthesiologist assistant", a person who meets each of the following conditions:

(a) Has graduated from an anesthesiologist assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or by its successor agency;

(b) Has passed the certifying examination administered by the National Commission on Certification of Anesthesiologist Assistants;

(c) Has active certification by the National Commission on Certification of Anesthesiologist Assistants; and

(d) Provides health care services delegated by a licensed anesthesiologist;

(3) "Anesthesiologist assistant supervision agreement", a written agreement, jointly agreed upon protocols or standing order between a supervising anesthesiologist and an anesthesiologist assistant, which provides for the delegation of health care services from a supervising anesthesiologist to an anesthesiologist assistant and the review of such services;

(4) "Applicant", any individual who seeks to become licensed as an anesthesiologist assistant;

(5) "Continuing education", the offering of instruction or information to license holders for the purpose of maintaining or increasing skills necessary for the safe and competent practice of anesthetic care;

(6) "Department", the department of economic development or a designated agency thereof;

(7) "Immediately available", in the same physical location or facility in which the services are provided;

(8) "Physician", an individual licensed pursuant to this chapter, to practice medicine and surgery or osteopathic medicine and surgery;

(9) "Supervision", medical direction by an anesthesiologist of an anesthesiologist assistant as defined in conditions of 42 CFR 415.110 which limits supervision to no more than four anesthesiologist assistants concurrently.

**334.402. ANESTHESIOLOGIST ASSISTANTS, MAY ASSIST IN ANESTHESIA CARE PLAN FOR PATIENTS, ACTIVITIES AUTHORIZED AND PROHIBITED — IDENTIFICATION, ASSISTANTS AND STUDENTS — FACULTY MEMBERS OF ANESTHESIA PROGRAM, REQUIREMENTS. — 1.** An anesthesiologist assistant may assist the supervising anesthesiologist in developing and implementing an anesthesia care plan for a patient. In providing assistance to the supervising anesthesiologist, an anesthesiologist assistant shall have the authority to:

(1) Obtain a comprehensive patient history, perform relevant elements of a physical exam and present the history to the supervising anesthesiologist;

(2) Pretest and calibrate anesthesia delivery systems and obtain and interpret information from the systems and monitors, in consultation with an anesthesiologist;

(3) Assist the supervising anesthesiologist with the implementation of medically accepted monitoring techniques;

(4) Establish basic and advanced airway interventions, including intubation of the trachea and performing ventilatory support;

(5) Administer intermittent vasoactive drugs and start and adjust vasoactive infusions;

(6) Administer anesthetic drugs, adjuvant drugs, and accessory drugs;

(7) Assist the supervising anesthesiologist with the performance of epidural anesthetic procedures, spinal anesthetic procedures, and other regional anesthetic techniques;

(8) Administer blood, blood products, and supportive fluids;

(9) Provide assistance to a cardiopulmonary resuscitation team in response to a life-threatening situation;

(10) Participate in administrative, research, and clinical teaching activities as authorized by the supervising anesthesiologist; or

(11) Perform such other tasks not prohibited by law under the supervision of a licensed anesthesiologist that an anesthesiologist assistant has been trained and is proficient to perform.

2. An anesthesiologist shall at all times accept and be responsible for the oversight of the health care services rendered by the anesthesiologist assistant.

3. Anesthesiologist assistants are prohibited from the following:

(1) An anesthesiologist assistant shall not prescribe any medications or controlled substances;

(2) An anesthesiologist assistant shall not administer any drugs, medicines, devices, or therapies the supervising anesthesiologist is not qualified or authorized to prescribe; and

(3) An anesthesiologist assistant shall not practice or attempt to practice without the supervision of a licensed anesthesiologist or in any location where the supervising anesthesiologist is not immediately available for consultation, assistance, and intervention.

4. An anesthesiologist assistant shall be clearly identified as an anesthesiologist assistant and shall not use or permit to be used in the anesthesiologist assistant's behalf the terms "doctor", "Dr.", or "doc" or in any way be identified as a physician or surgeon. An anesthesiologist assistant shall not refer to a certificate of registration or authority,

permit, or license as "board-certified" or use any other terminology that may imply that the anesthesiologist assistant is a physician or surgeon.

5. A student in any anesthesiologist assistant training program shall be identified as a student anesthesiologist assistant or an anesthesiologist assistant student. Under no circumstances shall such a student use or permit to be used on the student's behalf, the terms "intern", "resident", or "fellow" or be identified in any way as a physician or surgeon.

6. The anesthesiologist members of the faculty of an anesthesiologist assistant program established in this state shall be comprised of board-certified or board-eligible anesthesiologists. No faculty member of any anesthesiologist assistants program shall concurrently supervise more than two anesthesiologist assistant students who are delivering anesthesia. Certified registered nurse anesthetists will be excluded from clinical education of anesthesiologist assistants.

**334.404. LICENSURE, APPLICATION, FEE, CONTENTS — LICENSE DURATION — RENEWAL — LOST OR STOLEN LICENSE, REPLACEMENT OF. —** 1. Each person desiring a license pursuant to sections 334.400 to 334.430 shall make application to the board upon such forms and in such manner as may be prescribed by the board and shall pay the required application fee as set by the board. The application fee shall cover the cost of issuing the license and shall not be refundable. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the application, subject to the penalties of making a false declaration or affidavit. Such application shall include proof of certification from the National Commission on Certification of Anesthesiologist Assistants or its successor, date of the certification, any identification numbers, and any other information necessary for the board to verify the certification.

2. The board, upon approval of the application from an applicant, shall issue a license to such applicant.

3. A license is valid for two years from the date it is issued and may be renewed biennially by filing an application for renewal with the board and paying the required renewal fee as set by the board.

4. A blank form for application for renewal of licensure shall be mailed to each person licensed in this state at his or her last known office or residence address.

5. A new license to replace any license lost, destroyed, or mutilated may be issued to any applicant, subject to rules and regulations issued by the board upon the payment of a reasonable fee.

**334.406. TEMPORARY LICENSE ISSUED, WHEN, PROCEDURE. —** Notwithstanding any of the provisions of sections 334.400 to 334.430, the board may issue a temporary license to practice as an anesthesiologist assistant to an applicant that has taken the examination and is awaiting the results. A temporary license may be granted upon the payment of a temporary license fee, the submission of all required documents, and the applicant meeting the necessary qualifications, as defined by board rule. The temporary license shall be valid until the results of the examination are announced. The temporary license may be renewed at the discretion of the board and upon payment of the temporary license fee.

**334.408. INACTIVE LICENSE STATUS GRANTED, WHEN — RETURN TO ACTIVE STATUS, PROCEDURE. —** 1. Notwithstanding any law to the contrary, any person licensed pursuant to sections 334.400 to 334.430 may apply to the board for an inactive license status on a form furnished by the board. Upon receipt of the completed inactive status application form and a determination by the board that the licensee meets the requirements defined by board rule, the board shall declare the licensee inactive and shall place the licensee on

an inactive status list. A person that has an inactive license or has discontinued the practice of an anesthesiologist assistant because of retirement shall not practice as an anesthesiologist assistant within this state.

2. During the period of inactive status, the licensee shall not be required to comply with the board's minimum requirements for continuing education.

3. If a licensee is granted inactive status, the licensee may return to active status by notifying the board of the intention to resume the practice of an anesthesiologist assistant, paying the appropriate fees, and meeting all established licensure requirements of the board, as a condition of reinstatement.

4. Any licensee that allows the license to become inactive for a period of five years or less may return the license to active status by notifying the board in advance of such intention, paying the appropriate fees, and meeting all established licensure requirements of the board, excluding the licensing examination, as a condition of reinstatement.

**334.410. RETIREMENT, AFFIDAVIT TO BE FILED WITH BOARD — RENEWAL OF REGISTRATION FOR RESUMPTION OF PRACTICE.** — Any person licensed to practice as an anesthesiologist assistant in this state who retires from such practice shall file with the board an affidavit, on a form to be furnished by the board, which states the date of retirement and such other facts to verify the retirement as defined by board rule. Registration with the board must be renewed pursuant to section 334.414 for any person that wants to resume the practice of an anesthesiologist assistant.

**334.412. LICENSURE WITHOUT EXAMINATION PERMITTED, WHEN — RECIPROCAL COMPACTS PERMITTED.** — 1. Upon the applicant paying a fee equivalent to the required licensing fee and furnishing the board with all locations of previous practice and licensure in chronological order, the board may, subject to the prescribed rules and regulations, license, without examination or additional certification, any qualified applicant that meets the requirements of this state including any person that is licensed in any state or territory of the United States or the District of Columbia with the authority to practice in the same manner and to the same extent as an anesthesiologist assistant is authorized to practice pursuant to sections 334.400 to 334.430. Pursuant to sections 334.400 to 334.430, the board shall have the authority to negotiate reciprocal compacts with licensing boards of other states for the admission of licensed anesthesiologist assistants from Missouri to practice in other states.

2. The board shall issue a license to any anesthesiologist assistant, who is licensed in another jurisdiction and who has had no violations, suspensions, or revocations of a license, to practice as an anesthesiologist assistant in any jurisdiction, provided that, such person is licensed in a jurisdiction whose requirements are substantially equal to, or greater than, the requirements for licensure of anesthesiologist assistants in Missouri at the time the applicant applies for licensure.

**334.414. CERTIFICATE OF REGISTRATION ISSUED, WHEN — RULES PROMULGATED BY BOARD — AUTHORITY OF BOARD — COMPLAINT PROCEDURE — PENALTY.** — 1. The board shall issue a certificate of registration to any applicant that meets the qualifications for an anesthesiologist assistant and that has paid the required fees.

2. The board shall promulgate rules and regulations pertaining to:

(1) Establishing application forms to be furnished to all persons seeking registration pursuant sections 334.400 to 334.430;

(2) Accepting certification by the National Commission on Certification of Anesthesiologist Assistants or its successor in lieu of examinations for applicants for registration pursuant to sections 334.400 to 334.430;

(3) Determining the form and design of the registration to be issued pursuant to sections 334.400 to 334.430;

(4) Setting the amount of the fees for registration, licensure, and renewal pursuant to sections 334.400 to 334.430. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 334.400 to 334.430;

(5) Keeping a record of all of its proceedings regarding sections 334.400 to 334.430 and of all anesthesiologist assistants registered in this state. No rule or portion of a rule promulgated pursuant to the authority of sections 334.400 to 334.430 shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

3. The board shall have the authority to:

(1) Issue subpoenas to compel witnesses to testify or produce evidence in proceedings to deny, suspend, or revoke registration; and

(2) Establish guidelines for anesthesiologist assistants pursuant to sections 334.400 to 334.430.

4. The board may refuse to issue, suspend, revoke, or renew any certificate of registration or authority, permit, or license required pursuant to sections 334.400 to 334.430 for one or any combination of causes stated in subsection 5 of this section. The board shall notify the applicant in writing of the reasons for the refusal, suspension, or revocation and shall advise the applicant of the right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

5. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit, or license required pursuant to sections 334.400 to 334.430 or against any person who has failed to renew or has surrendered a certificate of registration or authority, permit, or license for any one or any combination of the following causes:

(1) Use or unlawful possession of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of an anesthesiologist assistant;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of an anesthesiologist assistant, for any offense for which an essential element is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of registration or authority, permit or license issued pursuant to sections 334.400 to 334.430 or in obtaining permission to take any examination given or required pursuant to sections 334.400 to 334.430;

(4) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions and duties of an anesthesiologist assistant;

(6) Violation of, or assisting or enabling any person to violate any provision of sections 334.400 to 334.430 or any lawful rule or regulation adopted pursuant to sections 334.400 to 334.430;

(7) Impersonation of any person holding a certificate of registration or authority, permit, or license, or allowing any person to use a certificate of registration or authority, permit, license or diploma from any school;

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(8) Disciplinary action against the holder of a license or other right relating to the practice of an anesthesiologist assistant granted by another state, territory, federal agency, or country upon grounds for which revocation or suspension is authorized in this state;

(9) Final adjudication of insanity or incompetency by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice as an anesthesiologist assistant who is not registered and currently eligible to practice pursuant to sections 334.400 to 334.430;

(11) Issuance of a certificate of registration or authority, permit, or license based upon a material mistake of fact;

(12) Violation of any professional trust or confidence;

(13) Violation of the ethical standards for an anesthesiologist assistant as defined by board rule; or

(14) Violation of chapter 195, RSMo, or rules and regulations of this state, any other state, or the federal government.

6. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 5 of this section for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation with such terms and conditions as the board deems appropriate for a period not to exceed ten years, or suspend his or her license for a period not to exceed seven years, or revoke his or her license, certificate, or permit.

7. An individual whose license has been revoked shall wait at least one year from the date of revocation to apply for relicensure and shall not be eligible for a temporary license. Relicensure shall be at the discretion of the board after compliance with all requirements of sections 334.400 to 334.430.

8. Any person who violates any of the provisions of sections 334.400 to 334.430 is guilty of class A misdemeanor.

**334.416. RENEWAL OF CERTIFICATE OF REGISTRATION, WHEN, PROCEDURE, FEE. —**

1. Every person licensed pursuant to sections 334.400 to 334.430 shall renew his or her certificate of registration on or before the registration renewal date. The application shall be made under oath on a form furnished by the board. The application shall include, but not be limited to, disclosure of the following:

(1) The applicant's full name and his or her office and residence address;

(2) The date and number of his or her license;

(3) All final disciplinary actions taken against the applicant by any professional medical or osteopathic association or society, licensed hospital or medical staff of the hospital, state, territory, federal, agency, or country; and

(4) Information concerning the applicant's current physical and mental fitness to practice as an anesthesiologist assistant.

2. A blank form for application for registration shall be mailed to each person licensed in this state at his or her last known office or residence address. The failure to receive the application form does not relieve any person of the duty to register and pay the fee required pursuant to sections 334.400 to 334.430 nor be exempt from the penalties provided pursuant to sections 334.400 to 334.430 for failure to register.

3. If a person licensed, certified, or registered by the board does not renew such license, certification, or registration for two consecutive renewal periods, such license, certification, or registration shall be deemed void.

4. An application for registration pursuant to sections 334.400 to 334.430 shall be accompanied with a registration fee to be payable to the director of revenue. If the

application is filed and the fee paid after the registration renewal date, a delinquent fee shall be paid. The delinquent fee may be waived by the board based on extenuating circumstances as defined by board rule.

**334.418. CERTIFICATE REQUIRED TO PRACTICE, NOT REQUIRED, WHEN. — 1.** Except as provided in subsection 2 of this section, no person shall practice as an anesthesiologist assistant unless the person holds a current, valid certificate of registration issued pursuant to sections 334.400 to 334.430 to practice as an anesthesiologist assistant.

**2.** The provision of subsection 1 of this section shall not apply to the following:

(1) A person participating in a training program leading toward certification by the National Commission for Certification of Anesthesiologist Assistants, as long as the person is supervised by an anesthesiologist;

(2) An individual participating in a hospital residency program in preparation to practice as an anesthesiologist; and

(3) Any person who is otherwise authorized by subsection 2 of section 334.428 to perform any of the activities that an anesthesiologist assistant is authorized to perform.

**334.420. CONTINUING EDUCATION REQUIREMENTS, WAIVER OF REQUIREMENTS, WHEN. —** The board shall not renew any certificate of registration unless the anesthesiologist assistant has provided satisfactory evidence that the board's minimum requirements for continuing education have been met. The board's minimum requirements for continuing education, shall include, but are not limited to, the successful completion of the examination for continued demonstration of qualifications once every six years, as authorized by the National Commission of Anesthesiologist Assistants (NCCAA) or its successor. At the discretion of the board, compliance with the provision of this section may be waived for an anesthesiologist assistant that has discontinued the practice of an anesthesiologist assistant due to retirement.

**334.422. FEES, DEPOSIT IN BOARD OF REGISTRATION FOR THE HEALING ARTS FUND, USE OF FUNDS. — 1.** All fees payable pursuant to the provisions of sections 334.400 to 334.430 shall be collected by the division of professional registration, which shall transmit them to the department of revenue for deposit in the state treasury to the credit of the board of registration for the healing arts fund.

**2.** Upon appropriation by the general assembly, the money in the fund shall be used to administer the provisions of sections 334.400 to 334.430.

**334.424. SUPERVISION REQUIRED BY ANESTHESIOLOGIST, LIMITATIONS — WRITTEN PRACTICE PROTOCOL REQUIRED. — 1.** An anesthesiologist assistant shall practice only under the direct supervision of an anesthesiologist who is physically present or immediately available. A supervising anesthesiologist shall be allowed to supervise up to four anesthesiologist assistants consistent with federal rules or regulations for reimbursement for anesthesia services.

**2.** Each anesthesiologist who agrees to act as the supervising anesthesiologist of an anesthesiologist assistant shall adopt a written practice protocol that is consistent with sections 334.400 to 334.430 and delineates the services that the anesthesiologist assistant is authorized to provide and the manner in which the anesthesiologist will supervise the anesthesiologist assistant. The provisions of the protocol shall be based on relevant quality assurance standards, including regular review by the supervising anesthesiologist of the medical records of the patients cared for by the anesthesiologist assistant.

**3.** The supervising anesthesiologist shall oversee the anesthesiologist assistant in accordance with the terms of the protocol and any rules and regulations as defined by the

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board for the supervision of an anesthesiologist assistant. The board may randomly audit or inspect any written practice protocol under which an anesthesiologist assistant works.

**334.426. HOSPITALS MAY LIMIT FUNCTION OF ANESTHESIOLOGIST ASSISTANTS, PROCEDURE.** — Notwithstanding the provisions of sections 334.400 to 334.430, or the rules of the Missouri state board of registration for the healing arts, the governing body of every hospital shall have full authority to limit the functions and activities that an anesthesiologist assistant performs in such hospital. Nothing in this section shall be construed to require any hospital to hire an anesthesiologist who is not already employed as a physician prior to August 28, 2003.

**334.428. ANESTHESIOLOGIST ASSISTANT, USE OF TITLE PERMITTED, WHEN — PENALTY.** — 1. No person shall put forth to the public any title or description that includes the words "licensed anesthesiologist assistant" as defined in section 334.404 unless the person is duly licensed pursuant to the provisions of sections 334.400 to 334.430.

2. Nothing in sections 334.400 to 334.430 shall be construed as prohibiting any individual regardless of whether the individual is licensed pursuant to sections 334.400 to 334.430, from providing the services of anesthesiologist assistant, so long as those services are lawfully performed pursuant to the individual's scope of practice as authorized by law, regulation, and hospital or medical staff policies or credentialing standards.

3. Notwithstanding the specified penalty in section 334.414, any person found guilty of violating any provision of subsections 1 and 2 of this section shall be guilty of an infraction and upon conviction thereof shall be punished as provided by law. For purposes of this subsection, the maximum fine for a violation of this section shall be two hundred dollars.

**334.430. ADVISORY COMMISSION FOR ANESTHESIOLOGIST ASSISTANTS ESTABLISHED, DUTIES, MEMBERS, QUALIFICATIONS, TERMS, VACANCIES, COMPENSATION, ANNUAL MEETINGS.** — 1. There is hereby established an "Advisory Commission for Anesthesiologist Assistants" which shall guide, advise and make recommendations to the board. The commission shall be responsible for the ongoing examination of the scope of practice and promoting the continuing role of anesthesiologist assistants in the delivery of health care services. The commission shall assist the board in carrying out the provisions of sections 334.400 to 334.430.

2. The commission shall be appointed no later than July 1, 2005. The commission shall be composed of five members, to be appointed by the governor, with the advice and consent of the senate, as follows:

- (1) One member of the board;
- (2) One licensed anesthesiologist assistant;
- (3) Two licensed, board-certified anesthesiologists; and
- (4) One lay member.

3. Each licensed anesthesiologist assistant member shall be a citizen of the United States and a resident of this state, and shall be licensed as an anesthesiologist assistant by this state. Each physician member shall be a United States citizen, a resident of this state and have an active license to practice medicine in this state. The lay member shall be a United States citizen and a resident of this state.

4. The licensed anesthesiologist assistant member shall be appointed to serve a three-year term. The anesthesiologist members and lay member shall each be appointed to serve three-year terms, except at the time the commission is created, when one anesthesiologist member will be appointed for a first term of two years while the second anesthesiologist member will be appointed to a three year term. This will ensure that at least one anesthesiologist member has at least one years experience as a member of the

commission. Neither the anesthesiologist assistant member nor the physician members shall be appointed for more than two consecutive three-year terms.

5. The president of the Missouri Society of Anesthesiologists or its successor in office at the time shall, at least ninety days prior to the expiration of a term of an anesthesiologist assistant member or an anesthesiologist member of the commission or as soon as feasible after such a vacancy on the commission otherwise occurs, submit to the director of the division of professional registration a list, not to exceed five individuals per vacancy, of qualified and willing anesthesiologists or anesthesiologist assistants, respectively, to fill the vacancy in question, with the request and recommendation that the governor appoint one of the persons so listed. With the list so submitted, the president of the Missouri Society of Anesthesiologists shall include in a letter of transmittal a description of the method by which the names were chosen by that association.

6. Until such time as eligible anesthesiologist assistant candidates are identified, the anesthesiologist assistant seat may remain vacant or may be filled by a qualified anesthesiologist candidate, at the governor's discretion with the advice and consent of the senate. This member may serve no more than two consecutive three-year terms or until an eligible anesthesiologist assistant candidate, selected by the governor with the advice and consent of the senate, from a list provided as outlined above is appointed.

7. Notwithstanding any other provision of law to the contrary, any appointed member of the commission shall receive as compensation an amount established by the director of the division of professional registration not to exceed seventy dollars per day for commission business plus actual and necessary expenses. The director of the division of professional registration shall establish by rule the guidelines for payment. The board shall provide all staff for the commission.

8. The commission shall hold an open annual meeting at which time it shall elect from its membership a chairman and secretary. The commission may hold such additional meetings as may be required in the performance of its duties, provided that notice of every meeting shall be given to each member at least ten days prior to the date of the meeting. A quorum of the commission shall consist of a majority of its members.

9. No licensing activity or other statutory requirements shall become effective until expenditures or personnel are specifically appropriated for the purpose of conducting the business as required to administer the provisions of sections 334.400 to 334.430 and the initial rules filed have become effective.

Approved June 20, 2003

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## HB 392 [SCS HCS HB 392]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Regulates establishment and relocation of motorcycle, all-terrain vehicle, and personal watercraft franchises.**

AN ACT to amend chapter 407, RSMo, by adding thereto one new section relating to motorcycle and all-terrain vehicle franchises.

### SECTION

- A. Enacting clause.  
407.1035. Relevant market area for motorcycle and all-terrain vehicle franchises, definitions.
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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 407, RSMo, is amended by adding thereto one new section, to be known as section 407.1035, to read as follows:

**407.1035. RELEVANT MARKET AREA FOR MOTORCYCLE AND ALL-TERRAIN VEHICLE FRANCHISES, DEFINITIONS.** — **1.** For purposes of this section, "relevant market area" means:

(1) For a proposed franchisee or franchisee who plans to relocate his or her place of business in a county having a population which is greater than one hundred thousand, the area within a radius of ten miles of the intended site of the proposed or relocated franchisee. The ten-mile distance shall be determined by measuring the distance between the nearest surveyed boundary of the existing franchisee's principal place of business and the nearest surveyed boundary line of the proposed or relocated franchisee's principal place of business; or

(2) For a proposed franchisee or a franchisee who plans to relocate his or her place of business in a county having a population which is not greater than one hundred thousand, the area within a radius of twenty miles of the intended site of the proposed or relocated franchisee, or the county line, whichever is closer to the intended site. The twenty mile distance shall be determined by measuring the distance between the nearest surveyed boundary line of the existing franchisee's principal place of business and the nearest surveyed boundary line of the proposed or relocated franchisee's principal place of business.

2. As used in this section, "relocate" and "relocation" shall not include the relocation of a franchisee within two miles of its established place of business.

3. As used in this section, "motor vehicle" shall include motorcycles and all-terrain vehicles as defined in section 407.1025.

4. Before a franchisor enters into a franchise establishing or relocating a franchisee within a relevant market area where the same line-make is represented, the franchisor shall give written notice to each franchisee of the same line-make in the relevant market area of its intention to establish an additional franchisee or to relocate an existing franchisee within that relevant market area.

5. Within thirty days after receiving the notice provided for in subsection 4 of this section, or within thirty days after the end of any appeal procedure provided by the franchisor, a franchisee may bring an action pursuant to section 407.1031 to determine whether good cause exists for the establishing or relocating of a proposed franchisee.

6. This section shall not apply to the reopening or replacement in a relevant market area of a closed dealership that has been closed within the preceding year, if the established place of business of the reopened or replacement franchisee is within two miles of the established place of business of the closed dealership.

7. In determining whether good cause exists for establishing or relocating an additional franchisee for the same line-make, the court shall take into consideration the existing circumstances, including but not limited to, the following:

- (1) Permanency of the investment;
- (2) Effect on the retail motor vehicle business and the consuming public in the relevant market area;
- (3) Whether it is injurious or beneficial to the public welfare;
- (4) Whether the franchisees of the same line-make in that relevant market area are providing adequate competition and convenient consumer care for the motor vehicles of that line-make in the market area, including the adequacy of the motor vehicle sales and qualified service personnel;

(5) Whether the establishment or relocation of the franchisee would promote competition;

(6) Growth or decline of the population and the number of new motor vehicle registrations in the relevant market area; and

(7) Effect on the relocating franchisee of a denial of its relocations into the relevant market area.

8. The remedies and relief available pursuant to section 407.1049 shall apply to this section.

Approved July 9, 2003

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HB 394 [HCS HB 394]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Defines next-of-kin of deceased persons for purposes of disposition of deceased human remains.**

AN ACT to amend chapter 194, RSMo, by adding thereto one new section relating to the designation of next-of-kin for deceased persons.

**SECTION**

A. Enacting clause.

194.119. Right of sepulcher, the right to choose and control final disposition of a dead human body.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 194, RSMo, is amended by adding thereto one new section, to be known as section 194.119, to read as follows:

**194.119. RIGHT OF SEPULCHER, THE RIGHT TO CHOOSE AND CONTROL FINAL DISPOSITION OF A DEAD HUMAN BODY.** — 1. As used in this section, the term "right of sepulcher" means the right to choose and control the burial, cremation, or other final disposition of a dead human body.

2. For purposes of this chapter and chapters 193, 333, and 436, RSMo, and in all cases relating to the custody, control, and disposition of deceased human remains, including the common law right of sepulcher, where not otherwise defined, the term "next-of-kin" means the following persons in the priority listed if such person is eighteen years of age or older, is mentally competent, and is willing to assume responsibility for the costs of disposition:

(1) The surviving spouse;

(2) Any surviving child of the deceased. If a surviving child is less than eighteen years of age and has a legal or natural guardian, such child shall not be disqualified on the basis of the child's age and such child's legal or natural guardian, if any, shall be entitled to serve in the place of the child unless such child's legal or natural guardian was subject to an action in dissolution from the deceased. In such event the person or persons who may serve as next-of-kin shall serve in the order provided in subdivisions (3) to (8) of this subsection;

(3) (a) Any surviving parent of the deceased; or

(b) If the deceased is a minor, a surviving parent who has custody of the minor; or

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(c) If the deceased is a minor and the deceased's parents have joint custody, the parent whose residence is the minor child's residence for purposes of mailing and education;

(4) Any surviving sibling of the deceased;

(5) Any person designated by the deceased to act as next-of-kin pursuant to a valid designation of right of sepulcher as provided in subsection 8 of this section;

(6) The next nearest surviving relative of the deceased by consanguinity or affinity;

(7) Any person or friend who assumes financial responsibility for the disposition of the deceased's remains if no next-of-kin assumes such responsibility;

(8) The county coroner or medical examiner; provided however that such assumption of responsibility shall not make the coroner, medical examiner, the county, or the state financially responsible for the cost of disposition.

3. The next-of-kin of the deceased shall be entitled to control the final disposition of the remains of any dead human being consistent with all applicable laws, including all applicable health codes.

4. A funeral director or establishment is entitled to rely on and act according to the lawful instructions of any person claiming to be the next-of-kin of the deceased; provided however, in any civil cause of action against a funeral director or establishment licensed pursuant to this chapter for actions taken regarding the funeral arrangements for a deceased person in the director's or establishment's care, the relative fault, if any, of such funeral director or establishment may be reduced if such actions are taken in reliance upon a person's claim to be the deceased person's next-of-kin.

5. Any person who desires to exercise the right of sepulcher and who has knowledge of an individual or individuals with a superior right to control disposition shall notify such individual or individuals prior to making final arrangements.

6. If an individual with a superior claim is personally served with written notice from a person with an inferior claim that such person desires to exercise the right of sepulcher and the individual so served does not object within forty-eight hours of receipt, such individual shall be deemed to have waived such right. An individual with a superior right may also waive such right at any time if such waiver is in writing and dated.

7. If there is more than one person in a class who are equal in priority and the funeral director has no knowledge of any objection by other members of such class, the funeral director or establishment shall be entitled to rely on and act according to the instructions of the first such person in the class to make arrangements; provided that such person assumes responsibility for the costs of disposition and no other person in such class provides written notice of his or her objection.

8. Any person may designate an individual to be his or her closest next-of-kin, regardless of blood or marital relationship, by means of a written instrument that is signed, dated, and verified. Such designation of right of sepulcher shall be witnessed by two persons, and shall contain the names and last known address of each person entitled to be next-of-kin but for the execution of the designation of right of sepulcher and who are higher in priority than the person so designated.

Approved July 11, 2003

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HB 401 [SS#2 SCS HB 401]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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**Modifies various provisions regarding the Tobacco Securitization Settlement Trust Fund.**

AN ACT to repeal sections 8.370, 8.400, and 8.420, RSMo, and to enact in lieu thereof fourteen new sections relating to the board of public buildings, with an emergency clause and a termination date for certain sections.

## SECTION

- A. Enacting clause.
- 8.370. Definitions.
- 8.400. Board may issue revenue bonds, contents — bonds for retrofitting projects, use of proceeds — board may request annual appropriations to pay bonds and to restore reserve funds.
- 8.420. Revenue bonds, form, effect, interest rates — approval by committee on legislative research.
- 8.601. Limitation on authority to sell bonds.
- 8.625. Definitions.
- 8.628. Board of public buildings with approval of the committee on legislative research to proceed with projects — powers and duties.
- 8.631. Agencies of state may be required to occupy quarters in the project — agencies may be required to contribute from funds appropriated to share in cost of energy retrofitting.
- 8.634. Board may issue and sell revenue bonds to establish and maintain an interest and sinking fund — request for appropriation authorized.
- 8.637. Bonds not an obligation of the state or board.
- 8.640. Board to determine rates, not to exceed 15%, and maturity date — bonds may be either serial or term.
- 8.643. Refunding of bonds authorized.
- 8.646. Board to prescribe details and incidents of the bonds and make necessary covenants.
- 8.649. Resolution of board required for issuance of bonds.
  - 1. Termination date for sections 8.500 to 8.590 — office of administration to notify revisor of statutes of date.
- B. Emergency clause.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 8.370, 8.400, and 8.420, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 8.370, 8.400, 8.420, 8.601, 8.625, 8.628, 8.631, 8.634, 8.637, 8.640, 8.643, 8.646, 8.649, and 1, to read as follows:

**8.370. DEFINITIONS.** — As used in sections 8.370 to 8.450 the following words and phrases mean:

- (1) "Agency", any state department or any division or branch thereof, or any bureau, board, commission, institution, officer or office of the state of Missouri;
- (2) "Board", the state board of public buildings;
- (3) "Instrumentalities", any elected official of the state, state office, state agency or any individual who spends more than fifty percent of his time in work for the state that receives all or any part of its funds or compensation from appropriated funds of this state;
- (4) "Net income and revenues", **at the discretion of the board, any of the following:** the income arising from the operation of a project remaining after providing for the costs of operation of the project and the costs of maintenance thereof[.]; **appropriations of the general assembly for the payment of bonds issued by the board for any project;** or, in the case of energy retrofitting projects, the income arising from agreement between the board of public buildings and the department responsible for the operation of the facility;
- (5) "Project", one or more office buildings or other structures, **renovations, improvements and equipping of such buildings and structures** and **any other** facilities for the use and occupancy of the agencies and instrumentalities of the state, including the department of corrections and human resources [and], the department of mental health and, at the discretion of the board, energy retrofitting projects in state-owned facilities or any eating facilities which may be rented to a desirable person, firm or corporation, upon proper bids, at the rental costs that the board determines to be reasonable and necessary under the provisions of sections 8.370 to 8.450;

(6) "Revenue bonds", bonds issued hereunder for the purposes herein authorized and payable, both as to principal and interest, solely and only out of [the] net income and revenues [arising from the operation of the project for which the bonds are issued after providing for the costs of operation and maintenance of such project] **relating to any project**, and, in addition thereto, in the discretion of the board, out of the proceeds of any grant in aid of the project which may be received from any source.

**8.400. BOARD MAY ISSUE REVENUE BONDS, CONTENTS — BONDS FOR RETROFITTING PROJECTS, USE OF PROCEEDS — BOARD MAY REQUEST ANNUAL APPROPRIATIONS TO PAY BONDS AND TO RESTORE RESERVE FUNDS.** — 1. For the purpose of providing funds for the acquisition, construction, erection, **renovation, improving**, equipment and furnishing of any such project, and for providing a site therefor, as herein provided, the board may issue and sell revenue bonds, as herein defined, in an amount not to exceed the estimated cost of the project, including costs necessarily incidental thereto. At the time of the issuance of the bonds, the board shall pledge the net income and revenues of the project to the payment of the bonds, both principal and interest, and, **when applicable**, shall covenant to fix, maintain and collect the reasonable rates and charges for the use of the project that in the judgment of the board will provide **net income and** revenues sufficient to pay the reasonable cost of operating and maintaining the project; to provide and maintain an interest and sinking fund in an amount adequate promptly to pay the principal of and interest on such bonds; to provide [a reasonable] **any required** reserve fund; and to provide [a reasonable] **any required** fund for depreciation. In addition to pledging such net income and revenues as herein provided, the board, in its discretion, may pledge to the payment of such bonds, both principal and interest, the proceeds of any grant in aid of such project which may be received from any source.

2. In case of energy retrofitting projects, bond sale proceeds shall be provided for the purpose of retrofitting existing state facilities. The board shall pledge the income received and interest charged therefor to the payments of the bonds as prescribed in subsection 1 of this section.

**3. The board may issue bonds to provide funds to refinance the payment of general revenue fund temporary notes issued by the tobacco settlement financing authority.**

**4. The board may covenant to request annual appropriations in an amount sufficient to pay the principal, interest, and to restore any necessary reserve funds for any bonds issued by the board.**

**8.420. REVENUE BONDS, FORM, EFFECT, INTEREST RATES — APPROVAL BY COMMITTEE ON LEGISLATIVE RESEARCH.** — 1. Bonds issued under and pursuant to the provisions of sections 8.370 to 8.450 shall be of such denomination or denominations, shall bear such rate or rates of interest not to exceed fifteen percent per annum, and shall mature at such time or times within forty years from the date thereof, as the board determines. The bonds may be either serial bonds or term bonds.

2. Serial bonds may be issued with or without the reservation of the right to call them for payment and redemption in advance of their maturity, upon the giving of such notice, and with or without a covenant requiring the payment of a premium in the event of such payment and redemption prior to maturity, as the board determines.

3. Term bonds shall contain a reservation of the right to call them for payment and redemption prior to maturity at such time or times and upon the giving of such notice, and upon the payment of such premium, if any, as the board determines.

4. The bonds, when issued, shall be sold at public sale for the best price obtainable after giving such reasonable notice of such sale as may be determined by the board, but in no event shall such bonds be sold for less than ninety-eight percent of the par value thereof, and accrued interest. Any such bonds may be sold to the United States of America or to any agency or

instrumentality thereof, at a price not less than par and accrued interest, without public sale and without the giving of notice as herein provided.

5. The bonds, when issued and sold, shall be negotiable instruments within the meaning of the law merchant and the negotiable instruments law, and the interest thereon shall be exempt from income taxes under the laws of the state of Missouri.

6. After August 13, 1976, the board shall not issue revenue bonds pursuant to the provisions of sections 8.370 to 8.450 for one or more projects, as defined in section 8.370, in excess of a total par value of [four] **six** hundred [twenty-five] **fifty-five** million dollars.

7. After August 13, 1976, any bonds which may be issued pursuant to the provisions of sections 8.370 to 8.450 shall be issued only for projects which have been approved by a majority of the house members and a majority of the senate members of the committee on legislative research of the general assembly, and the approval by the committee on legislative research required by the provisions of section 8.380 shall be given only in accordance with this provision. For the purposes of approval of a project, the total amount of bonds issued for purposes of energy retrofitting in state-owned facilities shall be treated as a single project.

**8. No more than one hundred fifty million dollars of the net proceeds of the bonds authorized pursuant to sections 8.370 to 8.450 or sections 8.625 to 8.649 may be applied to general revenue in fiscal year 2003.**

**8.601. LIMITATION ON AUTHORITY TO SELL BONDS. — The tobacco settlement financing authority and the board of public buildings shall have no further authority to issue bonds and notes pursuant to the provisions of sections 8.500 to 8.590 upon the effective date of this act.**

**8.625. DEFINITIONS. — As used in sections 8.625 to 8.649 the following words and phrases mean:**

(1) "Agency", any state educational institution as defined by section 176.010, RSMo, of the state of Missouri;

(2) "Board", the state board of public buildings;

(3) "Instrumentalities", any elected official of the state, state office, state agency or any individual who spends more than fifty percent of his time in work for the state that receives all or any part of its funds or compensation from appropriated funds of this state;

(4) "Net income and revenues", at the discretion of the board, any of the following: the income arising from the operation of a project remaining after providing for the costs of operation of the project and the costs of maintenance thereof; appropriations of the general assembly for the payment of bonds issued by the board for any project; or, in the case of energy retrofitting projects, the income arising from agreement between the board of public buildings and the department responsible for the operation of the facility;

(5) "Project", one or more office buildings or other structures, renovations, improvements and equipping of such buildings and structures and any other facilities for the use and occupancy of the agencies and instrumentalities of the state, and energy retrofitting projects in state-owned facilities or any eating facilities upon proper bids, at the rental costs that the board determines to be reasonable and necessary under the provisions of sections 8.625 to 8.649;

(6) "Revenue bonds", bonds issued hereunder for the purposes herein authorized and payable, both as to principal and interest, solely and only out of net income and revenues relating to any project, and, in addition thereto, in the discretion of the board, out of the proceeds of any grant in aid of the project which may be received from any source.

**8.628. BOARD OF PUBLIC BUILDINGS WITH APPROVAL OF THE COMMITTEE ON LEGISLATIVE RESEARCH TO PROCEED WITH PROJECTS — POWERS AND DUTIES. — 1. The**

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board of public buildings, after project approval by the committee on legislative research of the general assembly, may acquire, construct, erect, equip, furnish, operate, control, manage and regulate a project, as herein defined, if, in the judgment of the board, the project is necessary, advisable, and suitable for the use of the agencies and instrumentalities of the state.

2. The board may use real property now or hereafter belonging to the state as a site for any such project, or acquire by purchase, lease, gift or otherwise the real or personal property that in the judgment of the board is necessary, advisable and suitable for such purpose.

3. In acquiring the property the board may condemn any and all rights or property, either public or private, of every kind and character, necessary for the purposes aforesaid, and in the exercise of such power of condemnation, it shall follow the procedure which is now or may hereafter be provided by law for the appropriation of land or other property taken for telegraph, telephone or railroad right-of-way.

4. When the board enters into a project authorized by sections 8.625 to 8.649, it shall provide for sufficient space to be included in the project to meet probable future requirements occasioned by the growth and expansion of the agency.

5. The board may lease to state agencies and instrumentalities of the state and other political subdivisions of the state under the same terms and conditions prescribed under section 8.631. Any such lease shall include a provision requiring the payment of a portion of the costs of operation and maintenance of the project under the formula prescribed under section 8.631.

**8.631. AGENCIES OF STATE MAY BE REQUIRED TO OCCUPY QUARTERS IN THE PROJECT — AGENCIES MAY BE REQUIRED TO CONTRIBUTE FROM FUNDS APPROPRIATED TO SHARE IN COST OF ENERGY RETROFITTING. — 1.** If the board of public buildings enters into a project authorized by sections 8.625 to 8.649, except energy retrofitting projects, it may require any or all of the agencies or instrumentalities of the state which occupy rented or leased quarters in the city in which the project is located to occupy quarters in the project and may require each such agency to contribute from time to time from funds appropriated for its support a proportion of the rentals necessary to be received from the project under the terms of the project contract determined by the board on the basis of the ratio which the number of square feet of floor space occupied by the agency or instrumentality bears to the total number of usable square feet of space in the entire project.

2. The board of public buildings may require any or all of the agencies or instrumentalities of the state to participate in the board's energy retrofitting projects and may require each such agency to contribute from time to time from funds appropriated for its support a proportional share of the costs of energy retrofitting project necessary to be received under the terms of the project agreement.

**8.634. BOARD MAY ISSUE AND SELL REVENUE BONDS TO ESTABLISH AND MAINTAIN AN INTEREST AND SINKING FUND — REQUEST FOR APPROPRIATION AUTHORIZED. — 1.** For the purpose of providing funds for the acquisition, construction, erection, renovation, improving, equipment, and furnishing of any such project, and for providing a site therefor, as herein provided, the board may issue and sell revenue bonds, as herein defined, in an amount not to exceed the estimated cost of the project, including costs necessarily incidental thereto. At the time of the issuance of the bonds, the board shall pledge the net income and revenues of the project to the payment of the bonds, both principal and interest, and, when applicable, shall covenant to fix, maintain and collect the reasonable rates and charges for the use of the project that in the judgment of the board will provide net income and revenues sufficient to pay the reasonable cost of operating and

maintaining the project; to provide and maintain an interest and sinking fund in an amount adequate promptly to pay the principal of and interest on such bonds; to provide any required reserve fund; and to provide any required fund for depreciation. In addition to pledging such net income and revenues as herein provided, the board, in its discretion, may pledge to the payment of such bonds, both principal and interest, the proceeds of any grant in aid of such project which may be received from any source.

2. In case of energy retrofitting projects, bond sale proceeds shall be provided for the purpose of retrofitting existing state facilities. The board shall pledge the income received and interest charged therefor to the payments of the bonds as prescribed in subsection 1 of this section.

3. The board may covenant to request annual appropriations in an amount sufficient to pay the principal, interest, and any necessary reserve funds for any bonds issued by the board.

**8.637. BONDS NOT AN OBLIGATION OF THE STATE OR BOARD. —** Any bonds issued under and pursuant to sections 8.625 to 8.649 shall not be deemed to be an indebtedness of the state of Missouri or of the board, or of the individual members of the board, and shall not be deemed to be an indebtedness within the meaning of any constitutional or statutory limitation upon the incurring of indebtedness.

**8.640. BOARD TO DETERMINE RATE, NOT TO EXCEED 15%, AND MATURITY DATE —** BONDS MAY BE EITHER SERIAL OR TERM. — 1. Bonds issued under and pursuant to the provisions of sections 8.625 to 8.649 shall be of such denomination or denominations, shall bear such rate or rates of interest not to exceed fifteen percent per annum, and shall mature at such time or times within forty years from the date thereof, as the board determines. The bonds may be either serial bonds or term bonds.

2. Serial bonds may be issued with or without the reservation of the right to call them for payment and redemption in advance of their maturity, upon the giving of such notice, and with or without a covenant requiring the payment of a premium in the event of such payment and redemption prior to maturity, as the board determines.

3. Term bonds shall contain a reservation of the right to call them for payment and redemption prior to maturity at such time or times and upon the giving of such notice, and upon the payment of such premium, if any, as the board determines.

4. The bonds, when issued, shall be sold at public sale for the best price obtainable after giving such reasonable notice of such sale as may be determined by the board, but in no event shall such bonds be sold for less than ninety-eight percent of the par value thereof, and accrued interest. Any such bonds may be sold to the United States of America or to any agency or instrumentality thereof, at a price not less than par and accrued interest, without public sale and without the giving of notice as herein provided.

5. The bonds, when issued and sold, shall be negotiable instruments within the meaning of the law merchant and the negotiable instruments law, and the interest thereon shall be exempt from income taxes under the laws of the state of Missouri.

6. The board shall not issue revenue bonds pursuant to the provisions of sections 8.625 to 8.649 for one or more projects, as defined in section 8.625, in excess of a total par value of one hundred seventy million dollars.

7. Any bonds which may be issued pursuant to the provisions of sections 8.625 to 8.649 shall be issued only for projects which have been approved by a majority of the house members and a majority of the senate members of the committee on legislative research of the general assembly, and the approval by the committee on legislative research required by the provisions of section 8.628 shall be given only in accordance with this provision. For the purposes of approval of a project, the total amount of bonds issued

for purposes of energy retrofitting in state-owned facilities shall be treated as a single project.

8. The provisions of sections 8.625 to 8.649 shall terminate upon the satisfaction of all outstanding bonds, notes and obligations issued pursuant to such sections. The commissioner of the office of administration shall notify the revisor of statutes when all outstanding bonds, notes, and obligations have been satisfied.

**8.643. REFUNDING OF BONDS AUTHORIZED.** — 1. The revenue bonds issued pursuant to the provisions of sections 8.625 to 8.649 may be refunded, in whole or in part, in any of the following circumstances:

(1) When any such bonds have by their terms become due and payable and there are not sufficient funds in the interest and sinking fund provided for their payment to pay such bonds and the interest thereon;

(2) When any such bonds are by their terms callable for payment and redemption in advance of their date of maturity and are duly called for payment and redemption;

(3) When any such bonds are voluntarily surrendered by the holder or holders thereof for exchange for refunding bonds.

2. For the purpose of refunding any bonds issued hereunder, including refunding bonds, the board may make and issue refunding bonds in the amount necessary to pay off and redeem the bonds to be refunded together with unpaid and past due interest thereon and any premium which may be due under the terms of the bonds, together also with the cost of issuing the refunding bonds, and may sell the same in like manner as is herein provided for the sale of revenue bonds, and with the proceeds thereof pay off, redeem and cancel the old bonds and coupons that have matured, or the bonds that have been called for payment and redemption, together with the past due interest and the premium, if any, due thereon, or the bonds may be issued and delivered in exchange for a like par value amount of bonds to refund which the refunding bonds were issued. No refunding bonds issued pursuant to the provisions of sections 8.625 to 8.649 shall be payable in more than forty years from the date thereof or shall bear interest at a rate in excess of six percent per annum.

3. The refunding bonds shall be payable from the same sources as were pledged to the payment of the bonds refunded thereby and, in the discretion of the board, may be payable from any other sources which under sections 8.625 to 8.649 may be pledged to the payment of revenue bonds issued hereunder. Bonds of two or more issues may be refunded by a single issue of refunding bonds.

**8.646. BOARD TO PRESCRIBE DETAILS AND INCIDENTS OF THE BONDS AND MAKE NECESSARY COVENANTS.** — The board may prescribe the form, details and incidents of the bonds, and make the covenants that in its judgment are advisable or necessary properly to secure the payment thereof; but the form, details, incidents and covenants shall not be inconsistent with any of the provisions of sections 8.625 to 8.649. Such bonds may have the seal of the board impressed thereon or affixed thereto or imprinted or otherwise reproduced thereon. If such bonds shall be authenticated by the bank or trust company acting as registrar for such bonds by the manual signature of a duly authorized officer or employee thereof, the duly authorized officers of the board executing and attesting such bonds, may all do so by facsimile signature provided such signatures have been duly filed as provided in the uniform facsimile signature of public officials law, sections 105.273 to 105.278, RSMo, when duly authorized by resolution of the board and the provisions of section 108.175, RSMo, shall not apply to such bonds. The holder or holders of any bond or bonds issued hereunder or of any coupons representing interest accrued thereon may, by proper civil action either at law or in equity, compel the board to perform all duties imposed upon it by the provisions of sections 8.625 to 8.649, including the making and

collecting of sufficient rates and charges for the use of the project for which the bonds were issued, and also to enforce the performance of any and all other covenants made by the board in the issuance of the bonds.

**8.649. RESOLUTION OF BOARD REQUIRED FOR ISSUANCE OF BONDS.** — Bonds may be issued under the provisions of sections 8.625 to 8.649 pursuant to a resolution adopted by the affirmative vote of two-thirds of the members of the board and no other proceedings shall be required therefor.

**SECTION 1. TERMINATION DATE FOR SECTIONS 8.500 TO 8.590 — OFFICE OF ADMINISTRATION TO NOTIFY REVISOR OF STATUTES OF DATE.** — The provisions of sections 8.500 to 8.590 shall terminate upon the satisfaction of all outstanding notes and obligations issued pursuant to such sections. The commissioner of the office of administration shall notify the revisor of statutes when all outstanding notes and obligations have been satisfied.

**SECTION B. EMERGENCY CLAUSE.** — Because immediate action is necessary to ensure a balanced state budget section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved February 26, 2003

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## HB 430 [HB 430]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Adds a provision for filling vacancies of unexpired terms of members of the executive council of the judicial conference by resolution of the judicial conference.**

AN ACT to repeal section 476.340, RSMo, and to enact in lieu thereof one new section relating to the executive council of the judicial conference of the state of Missouri.

### SECTION

A. Enacting clause.

476.340. Executive council shall be governing body, how formed — members.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 476.340, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 476.340, to read as follows:

**476.340. EXECUTIVE COUNCIL SHALL BE GOVERNING BODY, HOW FORMED — MEMBERS.** — 1. The governing body of the conference, between annual sessions, shall be the executive council. The executive council shall consist of the following members:

- (1) The chief justice of the supreme court, or some member of the supreme court appointed by him;
  - (2) Two other members of the supreme court appointed by the supreme court;
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(3) One member of each district of the court of appeals elected by the judges thereof, respectively;

(4) Eight circuit judges, other than judges of the probate division, three of whom shall be elected for three-year terms, one from each district of the court of appeals, by the circuit judges, other than judges of the probate division, of the district to represent each of the districts of the court of appeals, respectively. A judge whose circuit is in part in more than one district of the court of appeals may vote in and be elected to represent either district but not both. Five of the circuit judges on the council shall be elected for three-year terms by the circuit judges of the state;

(5) One judge of the probate division of circuit courts in counties having a population of more than thirty thousand inhabitants elected for a three-year term by the judges of the probate divisions of the circuit courts in such counties;

(6) Three associate circuit judges elected for three-year terms, one from each district of the court of appeals, by the associate circuit judges of the district to represent each of the districts of the court of appeals, respectively;

(7) Three other associate circuit judges elected for three-year terms by the associate circuit judges of the state;

(8) One associate circuit judge from counties having a population of thirty thousand inhabitants or less elected for a three-year term by the associate circuit judges in such counties;

(9) One retired judge or commissioner who is a member of the judicial conference elected for a three-year term by such judges and commissioners. Members of the executive council on August 28, [1993] **2003**, shall serve out their terms and their replacements shall be elected under the provisions of this section. **Vacancies shall be filled for the unexpired term of any member as provided by resolution of the judicial conference.**

2. The executive council shall have general supervision of the work of the conference and such other duties and authority as may be given to it under rules or resolutions adopted by the conference. The members of the executive council shall elect one of its members vice president to act in the absence of the chief justice.

Approved May 30, 2003

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## HB 440 [HB 440]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Allows the State Dental Board to disclose certain records to the Dental Well-Being committee.**

AN ACT to repeal section 332.327, RSMo, and to enact in lieu thereof one new section relating to dentists.

### SECTION

A. Enacting clause.

332.327. Dental well-being committee, powers and duties, records confidential, exception, the well-being committee — diversion agreements, entered into, when.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 332.327, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 332.327, to read as follows:

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**332.327. DENTAL WELL-BEING COMMITTEE, POWERS AND DUTIES, RECORDS CONFIDENTIAL, EXCEPTION, THE WELL-BEING COMMITTEE — DIVERSION AGREEMENTS, ENTERED INTO, WHEN.** — 1. The board may establish an impaired dentist or dental hygienist committee, to be designated as the well-being committee, to promote the early identification, intervention, treatment and rehabilitation of dentists or dental hygienists who may be impaired by reasons of illness, substance abuse, or as a result of any physical or mental condition. The board may enter into a contractual agreement with a nonprofit corporation or a dental association for the purpose of creating, supporting and maintaining a committee to be designated as the well-being committee. The board may promulgate administrative rules subject to the provisions of this section and chapter 536, RSMo, to effectuate and implement any committee formed pursuant to this section. The board may expend appropriated funds necessary to provide for operational expenses of the committee formed pursuant to this section. Any member of the well-being committee, as well as any administrator, staff member, consultant, agent or employee of the committee, acting within the scope of his or her duties and without actual malice and, all other persons who furnish information to the committee in good faith and without actual malice, shall not be liable for any claim of damages as a result of any statement, decision, opinion, investigation or action taken by the committee, or by any individual member of the committee.

2. All information, interviews, reports, statements, memoranda or other documents furnished to or produced by the well-being committee, as well as communications to or from the committee, any findings, conclusions, interventions, treatment, rehabilitation or other proceedings of the committee which in any way pertain to a licensee who may be, or who actually is, impaired shall be privileged and confidential.

3. All records and proceedings of the well-being committee which pertain or refer to a licensee who may be, or who actually is, impaired shall be privileged and confidential and shall be used by the committee and its members only in the exercise of the proper function of the committee and shall not be considered public records pursuant to chapter 610, RSMo, and shall not be subject to court subpoena or subject to discovery or introduction as evidence in any civil, criminal or administrative proceedings except as provided in subsection 4 of this section.

4. The well-being committee may disclose information relative to an impaired licensee only when:

(1) It is essential to disclose the information to further the intervention, treatment or rehabilitation needs of the impaired licensee and only to those persons or organization with a need to know;

(2) Its release is authorized in writing by the impaired licensee;

(3) The committee is required to make a report to the board; or

(4) The information is subject to a court order.

5. In lieu of pursuing discipline against a dentist or dental hygienist for violating one or more causes stated in subsection 2 of section 332.321, the board may enter into a diversion agreement with a dentist or dental hygienist to refer the licensee to the dental well-being committee under such terms and conditions as are agreed to by the board and licensee for a period not to exceed five years. The board shall enter into no more than two diversion agreements with any individual licensee. If the licensee violates a term or condition of a diversion agreement entered into pursuant to this section, the board may elect to pursue discipline against the licensee pursuant to chapter 621, RSMo, for the original conduct that resulted in the diversion agreement, or for any subsequent violation of subsection 2 of section 332.321. While the licensee participates in the well-being committee, the time limitations of section 620.154, RSMo, shall toll pursuant to subsection 7 of section 620.154, RSMo. All records pertaining to diversion agreements are confidential and may only be released pursuant to subdivision (7) of subsection 14 of section 620.010, RSMo.

**6. The board may disclose information and records to the well-being committee to assist the committee in the identification, intervention, treatment, and rehabilitation of dentists or dental hygienists who may be impaired by reason of illness, substance abuse,**

or as the result of any physical or mental condition. The well-being committee shall keep all information and records provided by the board confidential to the extent the board is required to treat the information and records as closed to the public pursuant to chapter 620, RSMo.

Approved June 19, 2003

HB 444 [SS#2 SS SCS HB 444]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Alters the distribution of the Gaming Commission Fund.**

AN ACT to repeal section 313.835, RSMo, and to enact in lieu thereof one new section relating to distribution of the gaming commission fund.

**SECTION**

- A. Enacting clause.
- 313.835. Gaming commission fund created, purpose, expenditures — veterans' commission capital improvement trust fund, created, purpose, funding — disposition of proceeds of gaming commission fund — early childhood development education and care fund, created, purpose, funding, study, rules — grants for veterans' service officer program.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 313.835, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 313.835, to read as follows:

**313.835. GAMING COMMISSION FUND CREATED, PURPOSE, EXPENDITURES — VETERANS' COMMISSION CAPITAL IMPROVEMENT TRUST FUND, CREATED, PURPOSE, FUNDING — DISPOSITION OF PROCEEDS OF GAMING COMMISSION FUND — EARLY CHILDHOOD DEVELOPMENT EDUCATION AND CARE FUND, CREATED, PURPOSE, FUNDING, STUDY, RULES — GRANTS FOR VETERANS' SERVICE OFFICER PROGRAM.** — 1. All revenue received by the commission from license fees, penalties, administrative fees, reimbursement by any excursion gambling boat operators for services provided by the commission and admission fees authorized pursuant to the provisions of sections 313.800 to 313.850, except that portion of the admission fee, not to exceed one cent, that may be appropriated to the compulsive gamblers fund as provided in section 313.820, shall be deposited in the state treasury to the credit of the "Gaming Commission Fund" which is hereby created for the sole purpose of funding the administrative costs of the commission, subject to appropriation. Moneys deposited into this fund shall not be considered proceeds of gambling operations. Moneys deposited into the gaming commission fund shall be considered state funds pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the gaming commission fund shall be credited to the gaming commission fund. In each fiscal year, total revenues to the gaming commission fund for the preceding fiscal year shall be compared to total expenditures and transfers from the gaming commission fund for the preceding fiscal year. The remaining net proceeds in the gaming commission fund shall be distributed in the following manner:

(1) The first five hundred thousand dollars shall be appropriated on a per capita basis to cities and counties that match the state portion and have demonstrated a need for funding community neighborhood organization programs for the homeless and to deter gang-related violence and crimes;

(2) The remaining net proceeds in the gaming commission fund for fiscal year 1998 and prior years shall be transferred to the "Veterans' Commission Capital Improvement Trust Fund", as hereby created in the state treasury. The state treasurer shall administer the veterans' commission capital improvement trust fund, and the moneys in such fund shall be used solely, upon appropriation, by the Missouri veterans' commission for:

(a) The construction, maintenance or renovation or equipment needs of veterans' homes in this state;

(b) The construction, maintenance, renovation, equipment needs and operation of veterans' cemeteries in this state;

(c) Fund transfers to Missouri veterans' homes fund established pursuant to the provisions of section 42.121, RSMo, as necessary to maintain solvency of the fund;

(d) Fund transfers to any municipality with a population greater than four hundred thousand and located in part of a county with a population greater than six hundred thousand in this state which has established a fund for the sole purpose of the restoration, renovation and maintenance of a memorial or museum or both dedicated to World War I. Appropriations from the veterans' commission capital improvement trust fund to such memorial fund shall be provided only as a one-time match for other funds devoted to the project and shall not exceed five million dollars. Additional appropriations not to exceed ten million dollars total may be made from the veterans' commission capital improvement trust fund as a match to other funds for the new construction or renovation of other facilities dedicated as veterans' memorials in the state. All appropriations for renovation, new construction, reconstruction, and maintenance of veterans' memorials shall be made only for applications received by the Missouri veterans' commission prior to July 1, 2004;

(e) The issuance of matching fund grants for veterans' service officer programs to any federally chartered veterans' organization or municipal government agency that is certified by the Veterans Administration to process veteran claims within the Veterans Administration System; provided that such veterans' organization has maintained a veterans' service officer presence within the state of Missouri for the three-year period immediately preceding the issuance of any such grant. A total of seven hundred fifty thousand dollars in grants shall be made available annually with grants being issued in July of each year. Application for the matching grants shall be made through and approved by the Missouri veterans' commission based on the requirements established by the commission;

(f) For payment of Missouri national guard and Missouri veterans' commission expenses associated with providing medals, medallions and certificates in recognition of service in the armed forces of the United States during World War II pursuant to sections 42.170 to 42.190, RSMo. Any funds remaining from the medals, medallions and certificates shall be used to pay for the buglers at veteran burials; and

(g) Fund transfers totaling ten million dollars to any municipality with a population greater than three hundred fifty thousand inhabitants and located in part in a county with a population greater than six hundred thousand inhabitants and with a charter form of government, for the sole purpose of the construction, restoration, renovation and maintenance of a memorial or museum or both dedicated to World War I. Any interest which accrues to the fund shall remain in the fund and shall be used in the same manner as moneys which are transferred to the fund pursuant to this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the veterans' commission capital improvement trust fund at the end of any biennium shall not be transferred to the credit of the general revenue fund;

(3) The remaining net proceeds in the gaming commission fund for fiscal year 1999 and each fiscal year thereafter shall be distributed as follows:

(a) [Three million dollars shall be transferred to the veterans' commission capital improvement trust fund;

(b) Three million dollars shall be transferred to the Missouri national guard trust fund created in section 41.214, RSMo;

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(c) Three million dollars shall be transferred to the Missouri college guarantee fund, established pursuant to the provisions of section 173.248, RSMo, and additional moneys as annually appropriated by the general assembly shall be appropriated to such fund;] **The first four and one-half million dollar portion shall be transferred to the Missouri college guarantee fund, established pursuant to the provisions of sections 173.810 to 173.830, RSMo, and additional moneys as annually appropriated by the general assembly shall be appropriated to such fund;**

**(b) The second three million dollar portion shall be transferred to the veterans' commission capital improvement trust fund;**

**(c) The third three million dollar portion shall be transferred to the Missouri national guard trust fund created in section 41.214, RSMo;**

(d) Subject to appropriations, one hundred percent of remaining net proceeds in the gaming commission fund except as provided in paragraph (l) of this subdivision, **and after the appropriations made pursuant to the provisions of paragraphs (a), (b), and (c) of this subdivision,** shall be transferred to the "Early Childhood Development, Education and Care Fund" which is hereby created to give parents meaningful choices and assistance in choosing the child-care and education arrangements that are appropriate for their family. All interest received on the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080, RSMo, moneys in the fund at the end of any biennium shall not be transferred to the credit of the general revenue fund. Any moneys deposited in such fund shall be used to support programs that prepare children prior to the age in which they are eligible to enroll in kindergarten, pursuant to section 160.053, RSMo, to enter school ready to learn. All moneys deposited in the early childhood development, education and care fund shall be annually appropriated for voluntary, early childhood development, education and care programs serving children in every region of the state not yet enrolled in kindergarten;

(e) No less than sixty percent of moneys deposited in the early childhood development, education and care fund shall be appropriated as provided in this paragraph to the department of elementary and secondary education and to the department of social services to provide early childhood development, education and care programs through competitive grants to, or contracts with, governmental or private agencies. Eighty percent of such moneys pursuant to the provisions of this paragraph and additional moneys as appropriated by the general assembly shall be appropriated to the department of elementary and secondary education and twenty percent of such moneys pursuant to the provisions of this paragraph shall be appropriated to the department of social services. The departments shall provide public notice and information about the grant process to potential applicants.

a. Grants or contracts may be provided for:

(i) Start-up funds for necessary materials, supplies, equipment and facilities; and

(ii) Ongoing costs associated with the implementation of a sliding parental fee schedule based on income;

b. Grant and contract applications shall, at a minimum, include:

(i) A funding plan which demonstrates funding from a variety of sources including parental fees;

(ii) A child development, education and care plan that is appropriate to meet the needs of children;

(iii) The identity of any partner agencies or contractual service providers;

(iv) Documentation of community input into program development;

(v) Demonstration of financial and programmatic accountability on an annual basis;

(vi) Commitment to state licensure within one year of the initial grant, if funding comes from the appropriation to the department of elementary and secondary education and commitment to compliance with the requirements of the department of social services, if funding comes from the department of social services; and

(vii) With respect to applications by public schools, the establishment of a parent advisory committee within each public school program;

c. In awarding grants and contracts pursuant to this paragraph, the departments may give preference to programs which:

- (i) Are new or expanding programs which increase capacity;
- (ii) Target geographic areas of high need, namely where the ratio of program slots to children under the age of six in the area is less than the same ratio statewide;
- (iii) Are programs designed for special needs children;
- (iv) Are programs that offer services during nontraditional hours and weekends; or
- (v) Are programs that serve a high concentration of low-income families;

d. Beginning on August 28, 1998, the department of elementary and secondary education and the department of social services shall initiate and conduct a four-year study to evaluate the impact of early childhood development, education and care in this state. The study shall consist of an evaluation of children eligible for moneys pursuant to this paragraph, including an evaluation of the early childhood development, education and care of those children participating in such program and those not participating in the program over a four-year period. At the conclusion of the study, the department of elementary and secondary education and the department of social services shall, within ninety days of conclusion of the study, submit a report to the general assembly and the governor, with an analysis of the study required pursuant to this subparagraph, all data collected, findings, and other information relevant to early childhood development, education and care;

(f) No less than ten percent of moneys deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to provide early childhood development, education and care programs through child development, education and care certificates to families whose income does not exceed one hundred eighty-five percent of the federal poverty level in the manner pursuant to 42 U.S.C. 9858c(c)(2)(A) and 42 U.S.C. 9858n(2) for the purpose of funding early childhood development, education and care programs as approved by the department of social services. At a minimum, the certificate shall be of a value per child which is commensurate with the per child payment under item (ii) of subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or contracts. On February first of each year the department shall certify the total amount of child development, education and care certificates applied for and the unused balance of the funds shall be released to be used for supplementing the competitive grants and contracts program authorized pursuant to paragraph (e) of this subdivision;

(g) No less than ten percent of moneys deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to increase reimbursements to child-care facilities for low-income children that are accredited by a recognized, early childhood accrediting organization;

(h) No less than ten percent of the funds deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to provide assistance to eligible parents whose family income does not exceed one hundred eighty-five percent of the federal poverty level who wish to care for their children under three years of age in the home, to enable such parent to take advantage of early childhood development, education and care programs for such parent's child or children. At a minimum, the certificate shall be of a value per child which is commensurate with the per child payment under item (ii) of subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or contracts. The department of social services shall provide assistance to these parents in the effective use of early childhood development, education and care tools and methods;

(i) In setting the value of parental certificates under paragraph (f) of this subdivision and payments under paragraph (h) of this subdivision, the department of social services may increase the value based on the following:

a. The adult caretaker of the children successfully participates in the parents as teachers program pursuant to the provisions of sections 178.691 to 178.699, RSMo, a training program provided by the department on early childhood development, education and care, the home-based Head Start program as defined in 42 U.S.C. 9832 or a similar program approved by the department;

b. The adult caretaker consents to and clears a child abuse or neglect screening pursuant to subdivision (1) of subsection 2 of section 210.152, RSMo; and

c. The degree of economic need of the family;

(j) The department of elementary and secondary education and the department of social services each shall by rule promulgated pursuant to chapter 536, RSMo, establish guidelines for the implementation of the early childhood development, education and care programs as provided in paragraphs (e) through (i) of this subdivision;

(k) Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in paragraph (j) of this subdivision shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998. All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and repealed as of August 28, 1998, however, nothing in this section shall be interpreted to repeal or affect the validity of any rule adopted or promulgated prior to August 28, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to August 28, 1998;

(l) When the remaining net proceeds, as such term is used pursuant to paragraph (d) of this subdivision, in the gaming commission fund annually exceeds [twenty-seven] **twenty-eight** million dollars[, one and]: one-half million dollars of such proceeds shall be transferred annually, subject to appropriation, to the Missouri college guarantee fund, established pursuant to the provisions of section 173.248, RSMo; **three million dollars of such proceeds shall be transferred annually, subject to appropriation, to the veterans' commission capital improvement trust fund; and one million dollars of such proceeds shall be transferred annually, subject to appropriation, to the Missouri national guard trust fund created in section 41.214, RSMo.**

2. Upon request by the veterans' commission, the general assembly may appropriate moneys from the veterans' commission capital improvements trust fund to the Missouri national guard trust fund to support the activities described in section 41.958, RSMo.

Approved June 16, 2003

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## HB 445 [SCS HB 445]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Includes Christian Science practitioners in the definition of "minister" for purposes of mandatory child abuse reporting by ministers, and removes them from the general reporting requirements.**

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AN ACT to repeal sections 210.115, and 352.400, RSMo, and to enact in lieu thereof two new sections relating to child protection.

SECTION

A. Enacting clause.

210.115. Reports of abuse, neglect, and under age eighteen deaths — persons required to report — deaths required to be reported to the division or child fatality review panel, when — report made to another state, when.

352.400. Ministers, duty to report child abuse and neglect — definitions — designation of an agent.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 210.115, and 352.400, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 210.115, and 352.400, to read as follows:

**210.115. REPORTS OF ABUSE, NEGLECT, AND UNDER AGE EIGHTEEN DEATHS — PERSONS REQUIRED TO REPORT — DEATHS REQUIRED TO BE REPORTED TO THE DIVISION OR CHILD FATALITY REVIEW PANEL, WHEN — REPORT MADE TO ANOTHER STATE, WHEN.**

— 1. When any physician, medical examiner, coroner, dentist, chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the examination, care, treatment or research of persons, and any other health practitioner, psychologist, mental health professional, social worker, day care center worker or other child-care worker, juvenile officer, probation or parole officer, jail or detention center personnel, teacher, principal or other school official, minister as provided by section 352.400, RSMo, [Christian Science practitioner,] peace officer or law enforcement official, or other person with responsibility for the care of children has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect, that person shall immediately report or cause a report to be made to the division in accordance with the provisions of sections 210.109 to 210.183. As used in this section, the term "abuse" is not limited to abuse inflicted by a person responsible for the child's care, custody and control as specified in section 210.110, but shall also include abuse inflicted by any other person.

2. Whenever such person is required to report pursuant to sections 210.109 to 210.183 in an official capacity as a staff member of a medical institution, school facility, or other agency, whether public or private, the person in charge or a designated agent shall be notified immediately. The person in charge or a designated agent shall then become responsible for immediately making or causing such report to be made to the division. Nothing in this section, however, is meant to preclude any person from reporting abuse or neglect.

3. Notwithstanding any other provision of sections 210.109 to 210.183, any child who does not receive specified medical treatment by reason of the legitimate practice of the religious belief of the child's parents, guardian, or others legally responsible for the child, for that reason alone, shall not be found to be an abused or neglected child, and such parents, guardian or other persons legally responsible for the child shall not be entered into the central registry. However, the division may accept reports concerning such a child and may subsequently investigate or conduct a family assessment as a result of that report. Such an exception shall not limit the administrative or judicial authority of the state to ensure that medical services are provided to the child when the child's health requires it.

4. In addition to those persons and officials required to report actual or suspected abuse or neglect, any other person may report in accordance with sections 210.109 to 210.183 if such person has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect.

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5. Any person or official required to report pursuant to this section, including employees of the division, who has probable cause to suspect that a child who is or may be under the age of eighteen, who is eligible to receive a certificate of live birth, has died shall report that fact to the appropriate medical examiner or coroner. If, upon review of the circumstances and medical information, the medical examiner or coroner determines that the child died of natural causes while under medical care for an established natural disease, the coroner, medical examiner or physician shall notify the division of the child's death and that the child's attending physician shall be signing the death certificate. In all other cases, the medical examiner or coroner shall accept the report for investigation, shall immediately notify the division of the child's death as required in section 58.452, RSMo, and shall report the findings to the child fatality review panel established pursuant to section 210.192.

6. Any person or individual required to report may also report the suspicion of abuse or neglect to any law enforcement agency or juvenile office. Such report shall not, however, take the place of reporting or causing a report to be made to the division.

7. If an individual required to report suspected instances of abuse or neglect pursuant to this section has reason to believe that the victim of such abuse or neglect is a resident of another state or was injured as a result of an act which occurred in another state, the person required to report such abuse or neglect may, in lieu of reporting to the Missouri division of family services, make such a report to the child protection agency of the other state with the authority to receive such reports pursuant to the laws of such other state. If such agency accepts the report, no report is required to be made, but may be made, to the Missouri division of family services.

**352.400. MINISTERS, DUTY TO REPORT CHILD ABUSE AND NEGLECT — DEFINITIONS — DESIGNATION OF AN AGENT.** — 1. As used in this section, the following words and phrases shall mean:

(1) "Abuse", any physical injury, sexual abuse, or emotional abuse, injury or harm to a child under circumstances required to be reported pursuant to sections 210.109 to 210.183, RSMo;

(2) "Child", any person regardless of physical or mental condition, under eighteen years of age;

(3) "Minister", any person while practicing as a minister of the gospel, clergy person, priest, rabbi, **Christian Science practitioner**, or other person serving in a similar capacity for any religious organization who is responsible for or who has supervisory authority over one who is responsible for the care, custody, and control of a child or has access to a child;

(4) "Neglect", failure to provide the proper or necessary support or services by those responsible for the care, custody, and control of a child, under circumstances required to be reported pursuant to sections 210.109 to 210.183, RSMo;

(5) "Religious organization", any society, sect, persuasion, mission, church, parish, congregation, temple, convention or association of any of the foregoing, diocese or presbytery, or other organization, whether or not incorporated, that meets at more or less regular intervals for worship of a supreme being or higher power, or for mutual support or edification in piety or with respect to the idea that a minimum standard of behavior from the standpoint of overall morality is to be observed, or for the sharing of common religious bonds and convictions;

(6) "Report", the communication of an allegation of abuse or neglect pursuant to sections 210.109 to 210.183, RSMo.

2. When a minister or agent designated pursuant to subsection 3 of this section has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect under circumstances required to be reported pursuant to sections 210.109 to 210.183, RSMo, the minister or designated agent shall immediately report or cause a report to be made as provided in sections 210.109 to 210.183, RSMo. Notwithstanding any other provision of this section or sections 210.109 to 210.183, RSMo, a minister shall not be required to report concerning a privileged communication made to him or her in his or her professional capacity.

3. A religious organization may designate an agent or agents required to report pursuant to sections 210.109 to 210.183, RSMo, in an official capacity on behalf of the religious organization. In the event a minister, official or staff member of a religious organization has probable cause to believe that the child has been subjected to abuse or neglect under circumstances required to be reported pursuant to sections 210.109 to 213.183, RSMo, and the minister, official or staff member of the religious organization does not personally make a report pursuant to sections 210.109 to 210.183, RSMo, the designated agent of the religious organization shall be notified. The designated agent shall then become responsible for making or causing the report to be made pursuant to sections 210.109 to 210.183, RSMo. This section shall not preclude any person from reporting abuse or neglect as otherwise provided by law.

Approved June 20, 2003

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HB 455 [SCS HS HCS HB 455]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Requires health insurers to provide coverage for expenses for scalp hair prostheses worn for hair loss suffered as a result of alopecia.**

AN ACT to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance coverage for prostheses and scalp hair prostheses.

SECTION

A. Enacting clause.

376.1222. Prostheses and scalp prostheses to be provided for children under eighteen by Medicaid, children's health insurance and the consolidated plan — no additional insurance cost — amount allowable.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 376, RSMo, is amended by adding thereto one new section, to be known as section 376.1222, to read as follows:

**376.1222. PROSTHESES AND SCALP PROSTHESES TO BE PROVIDED FOR CHILDREN UNDER EIGHTEEN BY MEDICAID, CHILDREN'S HEALTH INSURANCE AND THE CONSOLIDATED PLAN — NO ADDITIONAL INSURANCE COST — AMOUNT ALLOWABLE.** — 1. Any health insurance policy through the Medicaid program pursuant to chapter 208, RSMo, the children's health insurance program pursuant to sections 208.631 to 208.660, RSMo, and any health care plans issued to employees under the Missouri consolidated health care plan established pursuant to chapter 103, RSMo, that are delivered, issued for delivery, continued or renewed in this state on or after January 1, 2004, shall provide coverage for prostheses and expenses for scalp hair prostheses worn for hair loss suffered as a result of alopecia areata or alopecia totalis for persons eighteen years of age or younger who are covered under a policy, program or plan pursuant to this section.

2. For purposes of this section, the following terms mean:

(1) "Prostheses", artificial appliances used to replace lost natural structures;

(2) "Scalp hair prostheses", artificial substitutes for scalp hair that are made specifically for a particular individual.

3. The coverage required by this section shall not be more than a maximum benefit amount of two hundred dollars per calendar year or exceed a lifetime maximum benefit

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amount of three thousand two hundred dollars for those persons who select a more permanent scalp hair prosthesis. A person may request a one-time expenditure of up to three thousand two hundred dollars. The benefits required by this section shall expire when total benefits paid reach three thousand two hundred dollars or when such person listed in subsection 1 of this section reaches eighteen years of age.

4. The health care service required by this section shall not be subject to any greater deductible or co-payment than other similar health care services provided by the policy, program, or plan.

5. Nothing in this section shall prohibit a health insurer or health benefit plan from providing coverage that is greater than or more favorable to persons than the coverage provided by this section.

Approved June 20, 2003

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#### HB 463 [HB 463]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Designates the city of Adrian as the purple martin capital of the state.**

AN ACT to amend chapter 10, RSMo, by adding thereto one new section relating to state emblems.

#### SECTION

A. Enacting clause.

10.141. Purple martin capital of the state, city of Adrian.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 10, RSMo, is amended by adding thereto one new section, to be known as section 10.141, to read as follows:

**10.141. PURPLE MARTIN CAPITAL OF THE STATE, CITY OF ADRIAN.** — **The city of Adrian is declared to be and shall be known as the purple martin capital of the state of Missouri.**

Approved May 30, 2003

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#### HB 464 [HB 464]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Increases the amount borrowers can be guaranteed from the Single Purpose Animal Facilities Loan Guarantee Fund.**

AN ACT to repeal sections 348.195 and 348.210, RSMo, and to enact in lieu thereof two new sections relating to loan guarantees.

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## SECTION

A. Enacting clause.

348.195. Certificate of guaranty may be issued, conditions — eligible lender, defined — participation fee, amount — limitation of amount.

348.210. Eligibility for guarantees for loans — rules — terms, conditions.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 348.195 and 348.210, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 348.195 and 348.210, to read as follows:

**348.195. CERTIFICATE OF GUARANTY MAY BE ISSUED, CONDITIONS — ELIGIBLE LENDER, DEFINED — PARTICIPATION FEE, AMOUNT — LIMITATION OF AMOUNT.** — 1. The authority may issue certificates of guaranty covering a first loss guarantee up to but not more than [twenty-five] **fifty** percent of the loan on a declining principal basis for loans to individuals executing a note or other evidence of a loan made for livestock production or other single-purpose animal facility, including animal waste systems or livestock purchase, but not to exceed the amount of two hundred fifty thousand dollars for any one individual and to pay from the single-purpose animal facilities loan guarantee fund to an eligible lender up to [twenty-five] **fifty** percent of the amount on a declining principal basis of any loss on any guaranteed loan made under the provisions of sections 348.185 to 348.225, in the event of default on the loan. Upon payment of the loan, the authority shall be subrogated to all the rights of the eligible lender.

2. As used in sections 348.185 to 348.225, the term "eligible lender" means those entities defined as "lenders" under subdivision (8) of section 348.015.

3. The authority shall charge for each guaranteed loan a one-time participation fee of one percent which shall be collected by the lender at the time of closing and paid to the authority. In addition, the authority may charge a special loan guarantee fee of up to one percent per annum of the outstanding principal which shall be collected from the borrower by the lender and paid to the authority. Amounts so collected shall be deposited in the single-purpose animal facilities loan program fund and used, upon appropriation, to pay the costs of administering the program.

4. All moneys paid to satisfy a defaulted guaranteed loan shall only be paid out of the single-purpose animal facilities loan guarantee fund established by sections 348.185 to 348.225.

5. The total outstanding guaranteed loans shall at no time exceed an amount which, according to sound actuarial judgment, would allow immediate redemption of [forty] **twenty** percent of the outstanding loans guaranteed by the fund at any one time.

**348.210. ELIGIBILITY FOR GUARANTEES FOR LOANS — RULES — TERMS, CONDITIONS.**

— 1. Persons eligible for guarantees for loans under the provisions of sections 348.185 to 348.225 are individuals engaged in farming operations as defined in section 348.015, who intend to use the proceeds from the loan to finance breeding or feeder livestock, including the purchase of additional or replacement livestock, land, buildings, facilities, equipment, machinery, and animal waste facilities used to produce poultry, hogs, beef, or dairy cattle, or other animals and who are seeking a loan or loans to finance not more than ninety percent of the anticipated cost.

2. The authority shall adopt and promulgate regulations establishing eligibility under the provisions of sections 348.185 to 348.225, taking into consideration the individual's ability to repay the loan, the general economic conditions of the area in which the individual will be located, the prospect of success of the particular facility for which the loan is sought and such other factors as the authority may establish. The eligibility of any person for a loan guarantee under the provisions of sections 348.185 to 348.225 shall not be determined or otherwise affected by any consideration of that person's race, religion, sex, creed, color, or location of residence. The authority may also provide for:

(1) The requirement or nonrequirement of security or endorsement and the nature thereof;

- (2) The manner and time of repayment of the principal and interest;
- (3) The maximum rate of interest;
- (4) The right of the borrower to accelerate payments without penalty;
- (5) The amount of the guaranty charge;
- (6) The effective period of the guaranty;
- (7) The percent of the loan, not to exceed [twenty-five] **fifty** percent, covered by the guaranty;
- (8) The assignability of loans by the lender;
- (9) Procedures in event of default by the borrower;
- (10) The due diligence effort on the part of lenders for collection of guaranteed loans;
- (11) Collection assistance to be provided to lenders; and
- (12) The extension of the guaranty in consideration of duty in the armed forces, unemployment, natural disasters, or other hardships.

Approved July 11, 2003

#### HB 465 [HB 465]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

#### **Establishes the Joint Committee on the Life Sciences.**

AN ACT to amend chapter 21, RSMo, by adding thereto one new section relating to the joint committee on the life sciences.

#### SECTION

A. Enacting clause.

21.805. Joint committee on the life sciences established, members, appointment, duties, meetings, report.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 21, RSMo, is amended by adding thereto one new section, to be known as section 21.805, to read as follows:

**21.805. JOINT COMMITTEE ON THE LIFE SCIENCES ESTABLISHED, MEMBERS, APPOINTMENT, DUTIES, MEETINGS, REPORT.** — **1.** There is hereby established a joint committee of the general assembly to be known as the "Joint Committee on the Life Sciences" to be composed of seven members of the senate and seven members of the house of representatives. The senate members of the joint committee shall be appointed by the president pro tem and the minority floor leader of the senate, and the house members of the joint committee shall be appointed by the speaker and the minority floor leader of the house of representatives. The appointment of each member shall continue during the member's term of office or until a successor has been appointed to fill the member's place when his or her term of office as a member of the general assembly has expired. No party shall be represented by more than four members from the house of representatives or more than four members from the senate. A majority of the joint committee shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the joint committee's duties.

**2.** The joint committee shall be charged with making recommendations to the full general assembly in the following areas:

(1) Legislative implementation of Missouri's strategic plan for life sciences, or successor plans;

(2) Executive branch actions and policies necessary to nurture and support life sciences research and commercialization;

(3) State investments necessary to nurture and support life sciences research and commercialization;

(4) Changes necessary in Missouri's tax system to nurture and support life sciences research and commercialization;

(5) Laws and policies necessary to eliminate barriers to life sciences research and commercialization and to encourage the start-up of new life sciences companies in Missouri;

(6) Laws and policies necessary to encourage the retention and recruitment of existing life sciences companies in Missouri;

(7) Laws and policies necessary to encourage the recruitment of expert life scientists to Missouri;

(8) Coordination of Missouri's existing scientific resources, including Missouri's colleges and universities; and

(9) Any other legislative action necessary to nurture and support life sciences research and commercialization in Missouri.

3. The joint committee shall meet within thirty days after its creation and organize by selecting a chairperson and vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. The chairpersonship shall alternate between members of the house and senate every two years after the joint committee's organization.

4. The joint committee shall meet at least quarterly and may meet at locations other than Jefferson City when the joint committee deems it necessary.

5. The joint committee shall be staffed by legislative personnel as is deemed necessary to assist the joint committee in the performance of its duties.

6. The members of the joint committee shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

7. The joint committee shall compile a full report of its activities for submission to the general assembly. The report shall be submitted not later than the fifteenth of January of each year in which the general assembly convenes in regular session and shall include any recommendations which the joint committee may have for legislative action as well as any recommendations for administrative or procedural changes in the internal management or organization of state government agencies and departments. Copies of the report containing such recommendations shall be sent to the appropriate directors of state departments and agencies included in the report.

8. All state departments, agencies, boards, and commissions shall cooperate with and assist the joint committee in the performance of its duties and shall make available all information requested.

Approved July 11, 2003

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HB 470 [CCS SS SCS HS HB 470]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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**Requires sale of certain methamphetamine drugs from behind sales counter.**

AN ACT to repeal section 195.417, and to enact in lieu thereof three new sections relating to products used to produce methamphetamine, with penalty provisions.

## SECTION

- A. Enacting clause.
- 195.417. Limit on over-the-counter sale of certain drugs, exceptions — violations, penalty.
- 577.075. Anhydrous ammonia, unlawful to release or to allow escape into atmosphere, penalty.
  - 1. Violations of chapter, defendant to pay costs of testing when found guilty.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 195.417, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 195.417, 577.075, and 1, to read as follows:

**195.417. LIMIT ON OVER-THE-COUNTER SALE OF CERTAIN DRUGS, EXCEPTIONS — VIOLATIONS, PENALTY.** — 1. No person shall deliver in any single over-the-counter sale more than [three]:

(1) **Two packages or any number of packages that contain a combined total of no more than six grams**, of any [methamphetamine precursor drug or any combination of methamphetamine precursor drugs.

2.] **drug containing a sole active ingredient of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers; or**

(2) **Three packages of any combination drug containing, as one of its active ingredients, ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers, or any number of packages of said combination drug that contain a combined total of no more than nine grams of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers.**

2. All packages of any drug having a sole active ingredient of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers, shall be displayed and offered for sale only behind a checkout counter where the public is not permitted, or within ten feet and an unobstructed view of an attended checkout counter. This subsection shall not apply to any retailer utilizing an electronic anti-theft system that utilizes a product tag and detection alarm which specifically prevents the theft of such drugs from the place of business where such drugs are sold.

3. This section shall supersede any municipal ordinances or regulations passed on or after December 23, 2002, to the extent that such ordinances or regulations are more restrictive than the provisions of this section. This section shall not apply to any product labeled pursuant to federal regulation for use only in children under twelve years of age, or to any products that the state department of health and senior services, upon application of a manufacturer, exempts by rule from this section because the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, or its salts or precursors **or to the sale of any animal feed products containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.**

[3.] 4. Any person who is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale who violates subsection 1 of this section shall not be penalized pursuant to this section if such person documents that an employee training program was in place to provide the employee with

information on the state and federal regulations regarding ephedrine, pseudoephedrine, or phenylpropanolamine.

[4.] **5.** Any person who knowingly or recklessly violates this section is guilty of a class A misdemeanor.

**577.075. ANHYDROUS AMMONIA, UNLAWFUL TO RELEASE OR TO ALLOW ESCAPE INTO ATMOSPHERE, PENALTY. — 1. It shall be unlawful for any person not the owner or not in lawful control of an approved container of anhydrous ammonia to release or allow the escape of anhydrous ammonia into the atmosphere.**

**2. Unlawful release of anhydrous ammonia is a class B felony, unless such release causes death of a human being or causes serious physical injury to any person in which case it is a class A felony.**

**SECTION 1. VIOLATIONS OF CHAPTER, DEFENDANT TO PAY COSTS OF TESTING WHEN FOUND GUILTY. — In any case where there is a violation of chapter 195, RSMo, a judge may, upon a finding of guilt, order a defendant to pay for costs for testing of the substance at a private laboratory.**

Approved June 24, 2003

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## HB 472 [HCS HB 472]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Establishes procedures for appointing boards of directors in community improvement districts.**

AN ACT to repeal sections 67.1451 and 67.1461, RSMo, and to enact in lieu thereof two new sections relating to boards of directors in community improvement districts.

### SECTION

A. Enacting clause.

67.1451. Board of directors, election, qualifications, appointment, terms, removal, actions.

67.1461. Powers of district — reimbursement of municipality — limitations.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE. —** Sections 67.1451 and 67.1461, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 67.1451 and 67.1461, to read as follows:

**67.1451. BOARD OF DIRECTORS, ELECTION, QUALIFICATIONS, APPOINTMENT, TERMS, REMOVAL, ACTIONS. — 1.** If a district is a political subdivision, the election and qualifications of members to the district's board of directors shall be in accordance with this section. If a district is a not-for-profit corporation, the election and qualification of members to its board of directors shall be in accordance with chapter 355, RSMo.

**2.** The district shall be governed by a board consisting of at least five but not more than thirty directors. Each director shall, during his or her entire term, be:

- (1) At least eighteen years of age; and
- (2) Be either:

(a) An owner, as defined in section 67.1401, of real property or of a business operating within the district; or

(b) A registered voter residing within the district; and

(3) Any other qualifications set forth in the petition establishing the district.

3. If the district is a political subdivision, the board shall be elected or appointed, as provided in the petition.

4. If the board is to be elected, the procedure for election shall be as follows:

(1) The municipal clerk shall specify a date on which the election shall occur which date shall be a Tuesday and shall not be earlier than the tenth Tuesday, and shall not be later than the fifteenth Tuesday, after the effective date of the ordinance adopted to establish the district;

(2) The election shall be conducted in the same manner as provided for in section 67.1551, provided that the published notice of the election shall contain the information required by section 67.1551 for published notices, except that it shall state that the purpose of the election is for the election of directors, in lieu of the information related to taxes;

(3) Candidates shall pay the sum of five dollars as a filing fee and shall file not later than the second Tuesday after the effective date of the ordinance establishing the district with the municipal clerk a statement under oath that he or she possesses all of the qualifications set out in this section for a director. Thereafter, such candidate shall have his or her name placed on the ballot as a candidate for director;

(4) The director or directors to be elected shall be elected at large. The person receiving the most votes shall be elected to the position having the longest term; the person receiving the second highest votes shall be elected to the position having the next longest term and so forth.

**For any district formed prior to the effective date of this section, of the initial directors, one-half shall serve for a two-year term, one-half shall serve for a four-year term and if an odd number of directors are elected, the director receiving the least number of votes shall serve for a two-year term, until such director's successor is elected. For any district formed on or after the effective date of this section, for the initial directors, one-half shall serve for a two-year term, and one-half shall serve for the term specified by the district pursuant to subdivision (5) of this subsection, and if an odd number of directors are elected, the director receiving the least number of votes shall serve for a two-year term, until such director's successor is elected;**

(5) Successor directors shall be elected in the same manner as the initial directors. The date of the election of successor directors shall be specified by the municipal clerk which date shall be a Tuesday and shall not be later than the date of the expiration of the stated term of the expiring director. Each successor director shall serve a [four-year] term **for the length specified prior to the election by the district, which term shall be at least three years and not more than four years, and shall continue** until such director's successor is elected. In the event of a vacancy on the board of directors, the remaining directors shall elect an interim director to fill the vacancy for the unexpired term.

5. If the petition provides that the board is to be appointed by the municipality, such appointments shall be made by the chief elected officer of the municipality with the consent of the governing body of the municipality. **For any district formed prior to the effective date of this section, of the initial appointed directors, one-half of the directors shall be appointed to serve for a two-year term and the remaining one-half shall be appointed to serve for a four-year term until such director's successor is appointed; provided that, if there is an odd number of directors, the last person appointed shall serve a two-year term. For any district formed on or after the effective date of this section, of the initial appointed directors, one-half shall be appointed to serve for a two-year term, and one-half shall be appointed to serve for the term specified by the district for successor directors pursuant to this subsection, and if an odd number of directors are appointed, the last person appointed shall serve for a two-year term; provided that each director shall serve until such director's successor is appointed.** Successor directors shall be appointed in the same manner as the initial directors and

shall serve for a term of [four] years **specified by the district prior to the appointment, which term shall be at least three years and not more than four years.**

6. If the petition states the names of the initial directors, those directors shall serve for the terms specified in the petition and successor directors shall be determined either by the above-listed election process or appointment process as provided in the petition.

7. Any director may be removed for cause by a two-thirds affirmative vote of the directors of the board. Written notice of the proposed removal shall be given to all directors prior to action thereon.

8. The board is authorized to act on behalf of the district, subject to approval of qualified voters as required in this section; except that, all official acts of the board shall be by written resolution approved by the board.

**67.1461. POWERS OF DISTRICT — REIMBURSEMENT OF MUNICIPALITY — LIMITATIONS.**

— 1. Each district shall have all the powers, except to the extent any such power has been limited by the petition approved by the governing body of the municipality to establish the district, necessary to carry out and effectuate the purposes and provisions of sections 67.1401 to 67.1571 including, but not limited to, the following:

(1) To adopt, amend, and repeal bylaws, not inconsistent with sections 67.1401 to 67.1571, necessary or convenient to carry out the provisions of sections 67.1401 to 67.1571;

(2) To sue and be sued;

(3) To make and enter into contracts and other instruments, with public and private entities, necessary or convenient to exercise its powers and carry out its duties pursuant to sections 67.1401 to 67.1571;

(4) To accept grants, guarantees and donations of property, labor, services, or other things of value from any public or private source;

(5) To employ or contract for such managerial, engineering, legal, technical, clerical, accounting, or other assistance as it deems advisable;

(6) To acquire by purchase, lease, gift, grant, bequest, devise, or otherwise, any real property within its boundaries, personal property, or any interest in such property;

(7) To sell, lease, exchange, transfer, assign, mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real or personal property or any interest in such property;

(8) To levy and collect special assessments and taxes as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivision (5) of section 137.100, RSMo. Those exempt pursuant to subdivision (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(9) If the district is a political subdivision, to levy real property taxes and business license taxes in the county seat of a county of the first classification [without a charter form of government] containing a population of at least two hundred thousand, as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivisions (2) and (5) of section 137.100, RSMo. Those exempt pursuant to subdivisions (2) and (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(10) If the district is a political subdivision in a city with a population of at least four hundred thousand located in more than one county, to levy sales taxes pursuant to sections 67.1401 to 67.1571;

(11) To fix, charge, and collect fees, rents, and other charges for use of any of the following:

(a) The district's real property, except for public rights-of-way for utilities;

(b) The district's personal property, except in a city not within a county; or

(c) Any of the district's interests in such real or personal property, except for public rights-of-way for utilities;

(12) To borrow money from any public or private source and issue obligations and provide security for the repayment of the same as provided in sections 67.1401 to 67.1571;

(13) To loan money as provided in sections 67.1401 to 67.1571;

(14) To make expenditures, create reserve funds, and use its revenues as necessary to carry out its powers or duties and the provisions and purposes of sections 67.1401 to 67.1571;

(15) To enter into one or more agreements with the municipality for the purpose of abating any public nuisance within the boundaries of the district including, but not limited to, the stabilization, repair or maintenance or demolition and removal of buildings or structures, provided that the municipality has declared the existence of a public nuisance;

(16) Within its boundaries, to provide assistance to or to construct, reconstruct, install, repair, maintain, and equip any of the following public improvements:

(a) Pedestrian or shopping malls and plazas;

(b) Parks, lawns, trees, and any other landscape;

(c) Convention centers, arenas, aquariums, aviaries, and meeting facilities;

(d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic signs and signals, utilities, drainage, water, storm and sewer systems, and other site improvements;

(e) Parking lots, garages, or other facilities;

(f) Lakes, dams, and waterways;

(g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls, and barriers;

(h) Telephone and information booths, bus stop and other shelters, rest rooms, and kiosks;

(i) Paintings, murals, display cases, sculptures, and fountains;

(j) Music, news, and child-care facilities; and

(k) Any other useful, necessary, or desired improvement;

(17) To dedicate to the municipality, with the municipality's consent, streets, sidewalks, parks, and other real property and improvements located within its boundaries for public use;

(18) Within its boundaries and with the municipality's consent, to prohibit or restrict vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks, and tunnels and to provide the means for access by emergency vehicles to or in such areas;

(19) Within its boundaries, to operate or to contract for the provision of music, news, child-care, or parking facilities, and buses, minibuses, or other modes of transportation;

(20) Within its boundaries, to lease space for sidewalk café tables and chairs;

(21) Within its boundaries, to provide or contract for the provision of security personnel, equipment, or facilities for the protection of property and persons;

(22) Within its boundaries, to provide or contract for cleaning, maintenance, and other services to public and private property;

(23) To produce and promote any tourism, recreational or cultural activity or special event in the district by, but not limited to, advertising, decoration of any public place in the district, promotion of such activity and special events, and furnishing music in any public place;

(24) To support business activity and economic development in the district including, but not limited to, the promotion of business activity, development and retention, and the recruitment of developers and businesses;

(25) To provide or support training programs for employees of businesses within the district;

(26) To provide refuse collection and disposal services within the district;

(27) To contract for or conduct economic, planning, marketing or other studies; [and]

**(28) To repair, restore, or maintain any abandoned cemetery on public or private land within the district; and**

**(29) To carry out any other powers set forth in sections 67.1401 to 67.1571.**

2. Each district which is located in a blighted area or which includes a blighted area shall have the following additional powers:

(1) Within its blighted area, to contract with any private property owner to demolish and remove, renovate, reconstruct, or rehabilitate any building or structure owned by such private property owner; and

(2) To expend its revenues or loan its revenues pursuant to a contract entered into pursuant to this subsection, provided that the governing body of the municipality has determined that the action to be taken pursuant to such contract is reasonably anticipated to remediate the blighting conditions and will serve a public purpose.

3. Each district shall annually reimburse the municipality for the reasonable and actual expenses incurred by the municipality to establish such district and review annual budgets and reports of such district required to be submitted to the municipality; provided that, such annual reimbursement shall not exceed one and one-half percent of the revenues collected by the district in such year.

4. Nothing in sections 67.1401 to 67.1571 shall be construed to delegate to any district any sovereign right of municipalities to promote order, safety, health, morals, and general welfare of the public, except those such police powers, if any, expressly delegated pursuant to sections 67.1401 to 67.1571.

5. The governing body of the municipality establishing the district shall not decrease the level of publicly funded services in the district existing prior to the creation of the district or transfer the financial burden of providing the services to the district unless the services at the same time are decreased throughout the municipality, nor shall the governing body discriminate in the provision of the publicly funded services between areas included in such district and areas not so included.

Approved July 10, 2003

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## HB 477 [HB 477]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Requires the Department of Corrections to test incarcerated offenders for tuberculosis and infectious diseases with no right of refusal.**

AN ACT to repeal section 191.659, RSMo, and to enact in lieu thereof one new section relating to disease testing of incarcerated offenders.

### SECTION

A. Enacting clause.

191.659. Department of corrections, HIV and infectious disease testing without right of refusal — exception — minors victim of sexual assault, testing notice to parents or custodians required.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 191.659, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 191.659, to read as follows:

**191.659. DEPARTMENT OF CORRECTIONS, HIV AND INFECTIOUS DISEASE TESTING WITHOUT RIGHT OF REFUSAL — EXCEPTION — MINORS VICTIM OF SEXUAL ASSAULT, TESTING NOTICE TO PARENTS OR CUSTODIANS REQUIRED.** — 1. Except as provided in subsection 2 of this section, all individuals who are delivered to the department of corrections and

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all individuals who are released or discharged from any correctional facility operated by the department of corrections, before such individuals are released or discharged, shall undergo HIV **and tuberculosis** testing without the right of refusal. In addition, the department of corrections may perform or conduct [HIV] **infectious disease** testing on [all individuals required to undergo annual or biannual physical examinations by the department of corrections at the time of such examinations] **offenders without the right of refusal.**

2. The department of corrections shall not perform HIV testing on an individual delivered to the department if similar HIV testing has been performed on the individual subsequent to trial and if the department is able to obtain the results of the prior HIV test.

3. The department shall inform the victim of any sexual offense defined in chapter 566, RSMo, which includes sexual intercourse or deviate sexual intercourse as an element of the crime, of any confirmed positive results of HIV testing **performed** on an offender within the custody of the department. If the victim is an unemancipated minor, the department shall also inform the minor's parents or custodian, if any.

Approved June 26, 2003

#### HB 491 [SCS HB 491]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Allows biennial registration for driveaway licenses and physically disabled placards.**

AN ACT to repeal sections 301.069, 301.130, and 301.142, RSMo, and to enact in lieu thereof three new sections relating to license plates, with penalty provisions and an effective date for certain sections.

#### SECTION

- A. Enacting clause.
- 301.069. Annual driveaway license fee — biennial licensing.
- 301.130. License plates, required slogan and information — special plates — plates, how displayed — tabs to be used — rulemaking authority, procedure.
- 301.142. Physically disabled, temporarily disabled, defined — plates for disabled and placard for windshield, issued when — death of disabled person, effect — lost or stolen placard, replacement of, fee — recertification and review by director, when — penalties for certain fraudulent acts.
- B. Effective date.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 301.069, 301.130, and 301.142, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 301.069, 301.130, and 301.142, to read as follows:

**301.069. ANNUAL DRIVEAWAY LICENSE FEE — BIENNIAL LICENSING.** — For each driveaway license there shall be paid an annual license fee of forty-four dollars and fifty cents for one set of plates or such insignia as the director may issue which shall be attached to the motor vehicle as prescribed in this chapter. **Applicants may choose to obtain biennial driveaway licenses. The fee for biennial driveaway licenses shall be eighty-nine dollars.** For single trips the fee shall be four dollars, and descriptive insignia shall be prepared and issued at the discretion of the director who shall also prescribe the type of equipment used to attach such vehicles in combinations.

**301.130. LICENSE PLATES, REQUIRED SLOGAN AND INFORMATION — SPECIAL PLATES — PLATES, HOW DISPLAYED — TABS TO BE USED — RULEMAKING AUTHORITY, PROCEDURE.** — 1. The director of revenue, upon receipt of a proper application for registration, required fees and any other information which may be required by law, shall issue to the applicant a certificate of registration in such manner and form as the director of revenue may prescribe and a set of license plates, or other evidence of registration, as provided [herein] **by this section**. Each set of license plates shall bear the name or abbreviated name of this state, the words "SHOW-ME STATE", the month and year in which the registration shall expire, and an arrangement of numbers or letters, or both, as shall be assigned from year to year by the director of revenue. **The plates shall also contain fully reflective material with a common color scheme and design for each type of license plate issued pursuant to this chapter. The plates shall be clearly visible at night, and shall be aesthetically attractive.** Special plates for qualified disabled veterans will have the "DISABLED VETERAN" wording on the license plates in preference to the words "SHOW-ME STATE" and special plates for members of the national guard will have the "NATIONAL GUARD" wording in preference to the words "SHOW-ME STATE".

2. The arrangement of letters and numbers of license plates shall be uniform throughout each classification of registration. **The director may provide for the arrangement of the numbers in groups or otherwise, and for other distinguishing marks on the plates.**

3. [The background of all license plates, or the letters and numerals thereof, shall be coated with a material which will reflect the lights of other vehicles. The nature and specifications of this material shall be determined after a public hearing by the director of revenue, director of prison industries, and superintendent of the state highway patrol, and shall meet the standards established by the state transportation department.

4. Figures on license plates, except those which may be used to designate gross weights for which commercial motor vehicles are registered, shall not be less than three inches in height and the strokes thereof not less than five-sixteenths of an inch in width. In the case of motorcycles and motortricycles, the letters and figures shall be not less than one inch in height and the strokes thereof one-eighth of an inch in width. The director may provide for the arrangement of the numbers in groups or otherwise, and for other distinguishing marks on the plates.

5.] All property-carrying commercial motor vehicles to be registered at a gross weight in excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, motorscooters and driveaway vehicles shall be registered with the director of revenue as provided for in subsection 3 of section 301.030, but only one license plate shall be issued for each such vehicle **except as provided in this subsection. The applicant for registration of any property-carrying commercial motor vehicle may request and be issued two license plates for such vehicle, and if such plates are issued the director of revenue may assess and collect an additional charge from the applicant in an amount not to exceed the fee prescribed for personalized license plates in subsection 1 of section 301.144.**

[6.] 4. The plates issued to manufacturers and dealers shall bear the letter "D" preceding the number, and the director may place upon the plates other letters or marks to distinguish commercial motor vehicles and trailers and other types of motor vehicles.

[7.] 5. No motor vehicle or trailer shall be operated on any highway of this state unless it shall have displayed thereon the license plate or set of license plates issued by the director of revenue and authorized by section 301.140. Each such plate shall be securely fastened to the motor vehicle in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds on the front and rear of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles and motorscooters shall be displayed on the rear

of such vehicles, with the letters and numbers thereon right side up. The license plate on **buses, other than school buses, and on** trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds shall be displayed on the front of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up **or if two plates are issued for the vehicle pursuant to subsection 5 of this section, displayed in the same manner on the front and rear of such vehicles.** The license plate or plates authorized by section 301.140, when properly attached, shall be prima facie evidence that the required fees have been paid.

[8.] **6.** (1) The director of revenue shall issue annually a tab or set of tabs as evidence of the annual payment of registration fees and the current registration of a vehicle in lieu of the set of plates[; except that the director shall annually issue a new license plate or set of plates as provided in this section for vehicles registered pursuant to subsection 2 of section 301.277, commercial motor vehicles in excess of twelve thousand pounds, trailers, buses and dealers].

(2) The vehicle owner to whom a tab or set of tabs is issued shall affix and display such tab or tabs [on the middle] **in the designated area** of the license plate, no more than one per plate.

(3) A tab or set of tabs issued by the director when attached to a vehicle in the prescribed manner shall be prima facie evidence that the registration fee for such vehicle has been paid.

(4) Except as provided in subdivision (1) of this subsection, the director of revenue shall issue plates for a period of at least five years.

(5) For those commercial motor vehicles and trailers registered pursuant to section 301.041, the plate issued by the director of revenue shall be a permanent nonexpiring license plate for which no tabs shall be issued. Nothing in this section shall relieve the owner of any vehicle permanently registered pursuant to this section from the obligation to pay the annual registration fee due for the vehicle. The permanent nonexpiring license plate shall be returned to the director of revenue upon the sale or disposal of the vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may be transferred to a replacement commercial motor vehicle when the owner files a supplemental application with the Missouri highway reciprocity commission for the registration of such replacement commercial motor vehicle. Upon payment of the annual registration fee, the director of revenue shall issue a certificate of registration or other suitable evidence of payment of the annual fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued.

(6) Upon the sale or disposal of any vehicle permanently registered under this section, or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued for such vehicle shall be returned to the director and shall not be valid for operation of such vehicle, or the plate may be transferred to a replacement vehicle when the owner files a supplemental application with the Missouri highway reciprocity commission for the registration of such replacement vehicle. If a vehicle which is permanently registered under this section is sold, wrecked or otherwise disposed of, or the lease terminated, the registrant shall be given credit for any unused portion of the annual registration fee when the vehicle is replaced by the purchase or lease of another vehicle during the registration year.

[9.] **7.** The director of revenue may prescribe rules and regulations for the effective administration of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

**8. Notwithstanding the provisions of any other law to the contrary, owners of motor vehicles other than apportioned motor vehicles or commercial motor vehicles licensed in excess of eighteen thousand pounds gross weight may apply for special personalized license plates. Vehicles licensed for eighteen thousand pounds that display special personalized license plates shall be subject to the provisions of subsections 1 and 2 of section 301.030.**

**301.142. PHYSICALLY DISABLED, TEMPORARILY DISABLED, DEFINED — PLATES FOR DISABLED AND PLACARD FOR WINDSHIELD, ISSUED WHEN — DEATH OF DISABLED PERSON, EFFECT — LOST OR STOLEN PLACARD, REPLACEMENT OF, FEE — RECERTIFICATION AND REVIEW BY DIRECTOR, WHEN — PENALTIES FOR CERTAIN FRAUDULENT ACTS. —** 1. As used in this section the term "physically disabled" means a natural person who is a blind person, as defined in section 8.700, RSMo, or a natural person with disabilities which limit or impair the ability to walk, as determined by a licensed physician as follows:

- (1) The person cannot walk fifty feet without stopping to rest; or
- (2) The person cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or
- (3) Is restricted by lung disease to such an extent that the person's forced respiratory expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or
- (4) Uses portable oxygen; or
- (5) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; or
- (6) Is severely limited in the applicant's ability to walk due to an arthritic, neurological, or orthopedic condition.

2. "Temporarily disabled person" means a physically disabled person whose disability or incapacity can be expected to last for not more than one hundred eighty days.

3. Owners of motor vehicles who are residents of the state of Missouri, and who are physically disabled, owners of motor vehicles operated at least fifty percent of the time by a physically disabled person, or owners of motor vehicles used to transport physically disabled members of the owner's household may obtain disabled person license plates. Such owners, upon application, accompanied by the documents and fees provided for in this section, and by state motor vehicle laws relating to registration and licensing of motor vehicles shall be issued motor vehicle license plates for vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand pounds, upon which shall be inscribed the international wheelchair accessibility symbol and the word "disabled" in addition to a combination of letters and numbers. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Handicapped parking places may only be used when a physically disabled occupant is in the motor vehicle at the time of parking or when a physically disabled person is being delivered or collected by a properly marked vehicle which is parked for the sole use of the physically disabled person. No vehicle shall park in the access aisle. Such parking violation shall be an infraction. The use of a vehicle displaying a disabled license plate or windshield placard to park in a parking space designated for the disabled by a person not transporting the individual for whom the license or placard was issued shall be an infraction. Upon conviction thereof, violators shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars.

4. No additional fee shall be paid to the director of revenue for the issuance of the special license plates provided in this section, except for special personalized license plates and other license plates described in this subsection. Priority for any specific set of special license plates shall be given to the applicant who received the number in the immediately preceding license period subject to the applicant's compliance with the provisions of this section and any applicable rules or regulations issued by the director. If determined feasible by the advisory committee established in section 301.129, any special license plate issued pursuant to this section may be adapted to also include the international wheelchair accessibility symbol and the word "disabled" as prescribed in subsection 3 of this section and such plate may be issued to any applicant who meets the requirements of this section and the other appropriate provision of this chapter, subject to the requirements and fees of the appropriate provision of this chapter.

5. Any physically disabled person, or the parent or guardian of any such person, or any not-for-profit group, organization, or other entity which transports more than one physically disabled person, may apply to the director of revenue for a removable windshield placard to be hung from the rearview mirror of a parked motor vehicle. When there is no rearview mirror, the placard shall be displayed on the dashboard on the driver's side. The removable windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The fee for each removable windshield placard shall be [two] **four** dollars and the removable windshield placard shall be renewed every [year, renewable for one year, or four dollars, renewable every] two years. **The director may stagger the expiration dates to equalize the workload.** Only one removable placard may be issued to an applicant who has been issued disabled person license plates. Upon request, one additional windshield placard shall be issued to an applicant who has not been issued disabled person license plates. A temporary windshield placard shall be issued to any physically disabled person, or the parent or guardian of any such person who otherwise qualifies except that the physical disability, in the opinion of the physician, is not expected to exceed a period of one hundred eighty days. The temporary windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The fee for the temporary windshield placard shall be two dollars. Upon request, one additional temporary windshield placard shall be issued to an applicant. Temporary windshield placards shall be issued upon presentation of the physician's statement provided by this section and shall be displayed in the same manner as removable windshield placards. A person or entity shall be qualified to possess and display a temporary removable windshield placard for six months and the placard may be renewed once for an additional six months if a physician's statement pursuant to subsection 6 of this section is supplied to the director of revenue at the time of renewal. The placard shall be renewable only by the person or entity to which the placard was originally issued. Any placard issued pursuant to this section shall only be used when a physically disabled occupant is in the motor vehicle at the time of parking or when a physically disabled person is being delivered or collected by a properly marked vehicle which is parked for the sole use of the physically disabled person.

6. Application for license plates or windshield placards issued pursuant to this section shall be made to the director of revenue and shall be accompanied by a statement signed by a licensed physician which certifies that the applicant, user, or member of the applicant's household is a physically disabled person as defined by this section. The physician's statement shall be on a form prescribed by the director of revenue which shall include the physician's license number. If it is the professional opinion of the physician who issues the statement that the physical disability of the applicant, user, or member of the applicant's household is permanent, this shall be noted on the statement. In such instances, the applicant shall present the physician's statement which states that the applicant's disability is permanent to the director of revenue the first time the applicant applies for license plates or a removable windshield placard. The applicant shall not be required to obtain a new physician's statement each time that the applicant applies for or renews license plates or a removable windshield placard; but, the applicant shall present a physician's statement each time the applicant applies for a temporary windshield placard or renews a temporary windshield placard. Such physician's statement shall state the expiration date for the temporary windshield placard. If the physician fails to record an expiration date on the physician's statement, the director shall issue the temporary windshield placard for a period of thirty days. The director of revenue upon receiving a physician's statement pursuant to this subsection shall check with the state board of registration for the healing arts created in section 334.120, RSMo, or the Missouri state board of chiropractic examiners established in section 331.090, RSMo, with respect to physician's statements signed by licensed chiropractors, or with the board of optometry established in section 336.130, RSMo, with respect to physician's statements signed by licensed optometrists, or the state board of podiatric medicine created in section 330.100, RSMo, with respect to physician's statements signed by physicians of the foot

or podiatrists to determine whether the physician is duly licensed and registered pursuant to law. The boards shall cooperate with the director and shall supply information requested pursuant to this subsection. The director may, in cooperation with the boards which shall assist the director, establish a list of all physicians' names and of any other information necessary to administer this subsection within the department of revenue if the director determines that such listing is necessary to carry out the provisions of this subsection.

7. Where the owner's application is based on the fact that the vehicle is used at least fifty percent of the time by a physically disabled person, the applicant shall submit an affidavit stating this fact, in addition to the physician's statement. The affidavit shall be signed by both the owner of the vehicle and the physically disabled person. The applicant shall be required to submit this affidavit with each application for license plates.

8. The director of revenue shall enter into reciprocity agreements with other states or the federal government for the purpose of recognizing disabled person license plates or windshield placards issued to physically disabled persons.

9. When a person to whom disabled person license plates or a removable or temporary windshield placard or both have been issued dies, the personal representative of such person shall return the plates or placards or both to the director of revenue under penalty of law. The director of revenue may order any person issued disabled person license plates or windshield placards to submit to an examination by a chiropractor, osteopath, or physician, or to such other investigation as will determine whether such person qualifies for the special plates or placards. If such person refuses to submit or is found to no longer qualify for special plates or placards provided for in this section, the director of revenue shall collect the special plates or placards, and shall furnish license plates to replace the ones collected as provided by this chapter.

10. In the event a removable or temporary windshield placard is lost, stolen, or mutilated, the lawful holder thereof shall, within five days, file with the director of revenue an application and an affidavit stating such fact, in order to purchase a new placard. The fee for the replacement windshield placard shall be two dollars.

11. Beginning after September 1, 1998, and prior to August 31, 1999, the director of revenue shall authorize a one-time recertification and review of all permanent disabled person license plates and windshield placards, including physician's license numbers and related information that the director has on file pursuant to subsection 6 of this section to determine if such numbers and information are current and correct. The director shall require the presentation of a new physician's statement and other information deemed necessary by the director to administer the provisions of this section. The recertification and review shall be conducted in a manner as determined by the director.

12. Fraudulent application, renewal, issuance, procurement or use of disabled person license plates or windshield placards shall be a class A misdemeanor. It is a class B misdemeanor for a physician, chiropractor, podiatrist or optometrist to certify that an individual or family member is qualified for a license plate or windshield placard based on a disability, the diagnosis of which is outside their scope of practice or if there is no basis for the diagnosis.

**SECTION B. EFFECTIVE DATE.** — The repeal and reenactment of sections 301.069 and 301.142 shall become effective on January 1, 2004.

Approved July 3, 2003

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HB 511 [CCS SS SCS HS HB 511]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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**Changes various election laws to comply with the Help America Vote Act of 2002.**

AN ACT to repeal sections 115.027, 115.073, 115.074, 115.076, 115.077, 115.085, 115.098, 115.103, 115.105, 115.107, 115.115, 115.125, 115.127, 115.133, 115.135, 115.155, 115.157, 115.158, 115.159, 115.165, 115.275, 115.277, 115.279, 115.283, 115.284, 115.287, 115.292, 115.417, 115.430, 115.436, 115.637, 115.761, 115.801, 116.175, 116.190, 162.601, 247.170, and 321.120, RSMo, and to enact in lieu thereof forty-one new sections relating to elections, with a penalty provision and an emergency clause.

**SECTION**

- A. Enacting clause.
- 28.035. Help America Vote Act of 2003, secretary of state to be chief state election official for — procedures for election complaints to be established — rulemaking authority.
- 115.027. Election commissioners, how appointed.
- 115.073. Election costs, how paid (Clay, Platte and Jackson counties).
- 115.074. Voting process and equipment, grants to upgrade or improve, award procedure — rulemaking authority.
- 115.076. Administration of grant, loan, or other aid program — rulemaking authority.
- 115.077. Election costs to be paid to election authority, by whom, when, procedure — failure to pay costs, penalty — state payments, fund for, transfers from general revenue.
- 115.078. Election administration improvements fund created, use of moneys — elections improvements revolving loan fund created, use of moneys.
- 115.085. Qualifications of election judges.
- 115.098. Election judges, grant, loan, or other aid program to increase compensation, requirements — rulemaking authority.
- 115.103. Training courses required, compensation while in training authorized.
- 115.105. Challengers, how selected, qualifications — challenges, when made — challengers may collect certain information at presidential primary elections.
- 115.107. Watchers, how selected, qualifications, duties.
- 115.115. Polling places, how designated, exception — notice to voters — voters not required to go to more than one polling place — elderly and handicapped polling places, common sites — plan for increased accessibility, contents.
- 115.125. Notice of election, when given — facsimile transmission used when, exceptions — late notification, procedure.
- 115.127. Notice of election, how, when given — striking names or issues from ballot, requirements — declaration of candidacy, officers for political subdivisions or special elections, filing date, when, notice requirements, exceptions for certain home rule cities — candidate withdrawing, ballot reprinting, cost, how paid.
- 115.133. Qualifications of voters.
- 115.135. Persons entitled to register, when — identification required.
- 115.155. Registration — oath.
- 115.157. Registration information may be computerized, information required — voter lists may be sold — candidates may receive list for reasonable fee — computerized registration system, requirements — voter history and information, how entered, when released — records closed, when.
- 115.158. Missouri voter registration system authorized, functions — system maintenance performed — security measures implemented — verification of information — use of system for election results — information not to be used for commercial purposes, penalty — advisory committee established, duties — rulemaking authority.
- 115.159. Registration by mail, voter I.D. card delivered to voter, when — delivery of absentee ballots, when — provisional ballot by mail permitted, when.
- 115.165. Transfer of registration, how, when — procedure.
- 115.275. Definitions relative to absentee ballots.
- 115.277. Persons eligible to vote absentee.
- 115.279. Application for absentee ballot, how made.
- 115.283. Statements of absentee voters or persons providing assistance to absentee voters — forms — notary seal not required, when — charges by notaries, limitations.
- 115.284. Absentee voting process for permanently disabled persons established — election authority, duties — application, form — list of qualified voters established.
- 115.287. Absentee ballot, how delivered.
- 115.292. Special write-in absentee ballot for persons in military service or remote areas for all officers, forms, procedure — write-in ballot to be replaced by regular ballot, when, effect.
- 115.417. Voter instruction cards to be delivered to polls — instructions and sample ballots to be posted, how.
- 115.430. Provisional ballots, used when, exceptions, procedure — rulemaking authority — free access system established — provisional ballot only used, when.
- 115.436. Physically disabled may vote at polling place, procedure.
- 115.637. Class four election offenses.

- 115.761. Official list of candidates, how included, filing fee — name removed, how — ballot form, content.
- 115.801. Youth voting programs, grant, loan, or other aid program to be administered — grant program to improve federal election process — rulemaking authority.
- 116.025. Attorney general sent fair ballot language, when — statement posted at polling place.
- 116.175. Fiscal impact of proposed measure — fiscal note, fiscal note summary, requirements — return of fiscal note for revision, when.
- 116.190. Ballot title may be challenged, procedure — who are parties defendant — changes may be made by court — appeal to supreme court, when.
- 162.601. Election of board members, terms — members appointed due to vacancies, terms — qualifications.
- 247.170. Detachment of part of district included in city — conditions — procedure — election.
- 321.120. Election before decree becomes conclusive — decree to determine number of directors — ballot form — successor directors, terms — may increase number of directors, exception — ballot, form — terms.
- B. Emergency clause.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 115.027, 115.073, 115.074, 115.076, 115.077, 115.085, 115.098, 115.103, 115.105, 115.107, 115.115, 115.125, 115.127, 115.133, 115.135, 115.155, 115.157, 115.158, 115.159, 115.165, 115.275, 115.277, 115.279, 115.283, 115.284, 115.287, 115.292, 115.417, 115.430, 115.436, 115.637, 115.761, 115.801, 116.175, 116.190, 162.601, 247.170, and 321.120, RSMo, are repealed and forty-one new sections enacted in lieu thereof, to be known as sections 28.035, 115.027, 115.073, 115.074, 115.076, 115.077, 115.078, 115.085, 115.098, 115.103, 115.105, 115.107, 115.115, 115.125, 115.127, 115.133, 115.135, 115.155, 115.157, 115.158, 115.159, 115.165, 115.275, 115.277, 115.279, 115.283, 115.284, 115.287, 115.292, 115.417, 115.430, 115.436, 115.637, 115.761, 115.801, 116.025, 116.175, 116.190, 162.601, 247.170, and 321.120, to read as follows:

**28.035. HELP AMERICA VOTE ACT OF 2003, SECRETARY OF STATE TO BE CHIEF STATE ELECTION OFFICIAL FOR — PROCEDURES FOR ELECTION COMPLAINTS TO BE ESTABLISHED — RULEMAKING AUTHORITY.** — **1.** The secretary of state shall be the chief state election official responsible for the administration and coordination of state responsibilities pursuant to the Help America Vote Act of 2002. The secretary is authorized to appoint members to commissions, develop and submit plans, set voting systems standards and compliance deadlines, and any other activities reasonably necessary to comply with the Help America Vote Act of 2002.

**2.** The office of the secretary of state shall be designated as the single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by absent uniformed services voters and overseas voters, as defined in section 115.279, RSMo, with respect to elections for federal office.

**3.** The secretary of state shall establish state-based administrative complaint procedures to remedy grievances concerning a violation of Title III of the Help America Vote Act of 2002. These procedures shall:

(1) Require complaints to be in writing and notarized, and signed and sworn by the person filing the complaint;

(2) Allow complaints to be consolidated;

(3) At the request of the complainant, require a hearing on the record which may be conducted exclusively by written testimony and information;

(4) Provide an appropriate remedy for any substantiated violation of Title III of the Help America Vote Act of 2002;

(5) Dismiss the complaint and publish the results of the procedures when there is a determination of no violation;

(6) Require a final determination with respect to the complaint before the expiration of the ninety-day period which begins on the date the complaint is filed, unless the complainant consents to a longer period for making such a determination; and

(7) If the final determination is not completed within ninety days, resolve the complaint within sixty days under alternative dispute resolution procedures. The record and any other materials from proceedings conducted pursuant to this subsection shall be made available for use under the alternative dispute resolution procedures.

4. The secretary of state is authorized to promulgate rules to execute this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

**115.027. ELECTION COMMISSIONERS, HOW APPOINTED.** — 1. Each board of election commissioners shall be composed of four members, appointed by the governor with the advice and consent of the senate. Two commissioners on each board shall be members of one major political party, and two commissioners on each board shall be members of the other major political party. In no case shall more than two commissioners on a board be members of the same political party. When appointing commissioners, the governor shall designate one commissioner on each board to be chairman of the board and one commissioner on each board to be secretary of the board. The chairman and secretary of a board shall not be members of the same political party.

2. In jurisdictions with boards of election commissioners as the election authority, the governor may appoint to the board one representative from each established political party. The representative shall not be a member of the board for purposes of subsection 1 of this section. The state chair of each established political party shall submit a list of no more than four names from which the governor shall select the representative for that party. The representative shall not have voting status, and shall not be compensated, but shall be allowed to participate in discussions and be informed of any meeting of the board.

**115.073. ELECTION COSTS, HOW PAID (CLAY, PLATTE AND JACKSON COUNTIES).** — 1. In any county containing a portion but not the major portion of a city which has over three hundred thousand inhabitants, all general expenses related to the conduct of elections and the registration of voters shall be paid proportionally from the general revenue of the city and the general revenue of the county. The city shall pay such proportion as its population within the county is to the total population of the county as determined by the last preceding federal decennial census. **The annual general operating expenditures from the general revenue funds of the city and any county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants or any city located within such county shall be subject to the budgeting approval of the governing body of the county.**

2. In any county containing a portion but not the major portion of a city which has over three hundred thousand inhabitants, the salaries of election judges at all county and state primary, general and special elections shall be paid from the general revenue of the county, unless the city submits a question or candidate at the election, in which case the salaries of election judges shall be paid proportionally from the general revenue of the city and the general revenue of the county as provided in subsection 1 of this section.

**115.074. VOTING PROCESS AND EQUIPMENT, GRANTS TO UPGRADE OR IMPROVE, AWARD PROCEDURE — RULEMAKING AUTHORITY.** — 1. Subject to appropriation from federal funds, the secretary of state shall administer a grant, **loan, or other aid** program [annually] for the purposes of providing funds to election authorities to upgrade or improve the voting process or equipment. Such funding [shall] **may** be in the form of matching grants. The secretary of state when awarding grants shall give priority to jurisdictions which have the highest number of residents according to the most recent federal census, with an income below the federal poverty

level as established by the federal department of health and human services or its successor agency. The secretary of state may promulgate rules to effectuate the provisions of this section.

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

**115.076. ADMINISTRATION OF GRANT, LOAN, OR OTHER AID PROGRAM — RULEMAKING AUTHORITY.** — 1. Subject to appropriation of federal funds, the secretary of state shall administer a grant, loan, or other aid program [annually] for the purpose of providing funds to election authorities:

(1) To purchase electronic voting machines that are accessible to all individuals with disabilities, including people who are blind or visually impaired;

(2) To make polling places, including path of travel, entrances, exits and voting areas of each polling facility accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and secret, independent and verifiable participation, including privacy and independence, as for other voters;

(3) To provide individuals with disabilities and individuals who are blind and visually impaired with information about the accessibility of polling places, including outreach programs to inform individuals about the availability of accessible polling places and to train election officials, poll workers, and election volunteers on how to best promote the access and participation of individuals in elections, and to provide assistance in all accommodations needed by voters with disabilities.

Such funding [shall] **may** be in the form of matching grants. The secretary of state when awarding grants shall give priority to jurisdictions which have the highest number of residents, according to the most recent federal census, with an income below the federal poverty level as established by the federal Department of Health and Human Services or its successor agency. The secretary of state may promulgate rules to effectuate the provisions of this section.

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

**115.077. ELECTION COSTS TO BE PAID TO ELECTION AUTHORITY, BY WHOM, WHEN, PROCEDURE — FAILURE TO PAY COSTS, PENALTY — STATE PAYMENTS, FUND FOR, TRANSFERS FROM GENERAL REVENUE.** — 1. Special districts, cities, townships in township organization counties, villages and the state shall pay the election costs required by this subchapter to each election authority conducting its elections.

2. Not later than the fifth Tuesday prior to any election to be conducted for the state, a special district or political subdivision, the election authority shall estimate the cost of conducting the election for the state and each political subdivision and special district submitting a candidate or question at the election. Not later than the third Tuesday prior to the election, the state, each special district and political subdivision submitting a candidate or question at the election, except the county, shall deposit with the election authority an amount equal to the estimated cost of

conducting the election for the state, the political subdivision or special district. All payments of election costs received by an election authority under the provisions of this subsection shall be placed by the election authority in a special account and used by the election authority only to pay the costs incurred in conducting the election. If the amount paid to an election authority by the state or any political subdivision or special district exceeds the cost of conducting the election for the state, political subdivision or special district, the election authority shall promptly refund to the state, political subdivision or special district the difference between the amount deposited with it and the cost of conducting the election. If the amount deposited with an election authority by the state or any political subdivision or special district is less than the cost of conducting the election for the state, political subdivision or special district, the state, political subdivision or special district shall, not later than the fifth Tuesday after the election, pay to the election authority the difference between the amount deposited and the cost of conducting the election.

3. Except as provided in section 115.061, all payments of election costs received by an election authority under the provisions of this section shall be placed by the election authority in a special account and used by the election authority only to pay the costs incurred in conducting elections.

4. When the state or any political subdivision or special district willfully fails to make payment of an election cost required by this subchapter by the time provided in this subchapter, it shall pay a penalty of fifty dollars for each day after the time provided in this subchapter proper payment is not made. Any such penalty shall be payable to the election authority authorized to receive payment of the election cost and shall be deposited in the general revenue fund of such election authority's city or county.

5. There is hereby created the "State Election Subsidy Fund" in the state treasury which shall be funded by appropriations from the general assembly for the purpose of the state making advance payments of election costs as required by this section. **To meet the state's funding obligation to maintain expenditures pursuant to section 254(a)(7) of the Help America Vote Act of 2002, the commissioner of the office of administration shall annually transfer from general revenue to the state election subsidy fund an amount not less than the amount expended in the fiscal year that ended June 30, 2000. At the end of each fiscal year, any amounts in the state election subsidy fund not expended or obligated to meet the state's obligations pursuant to section 115.065 and this section shall be transferred to the election administration improvements fund authorized pursuant to section 115.078 and used to meet the maintenance of effort funding requirements of section 254(a)(7) of the Help America Vote Act of 2002. Any other law to the contrary notwithstanding, the funds received pursuant to sections 251 and 252 of the Help America Vote Act of 2002 shall be expended according to the state plan developed pursuant to the provisions of section 254 of said act. The secretary of state shall develop the state plan through the committee appointed by the secretary of state under the provisions of section 255 of the Help America Vote Act of 2002.**

**115.078. ELECTION ADMINISTRATION IMPROVEMENTS FUND CREATED, USE OF MONEYS — ELECTIONS IMPROVEMENTS REVOLVING LOAN FUND CREATED, USE OF MONEYS. — 1. There is hereby created in the state treasury the "Election Administration Improvements Fund", which shall consist of any gifts, contributions, grants, or bequests received from federal, private, or other sources for the purpose of improving the administration of elections within Missouri. The state treasurer shall be custodian of the fund and shall make disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Money in the fund shall be used exclusively for election administration improvements as directed by the secretary of state. No moneys obtained through the provisions of this section shall be made a part of the general operating budget of an election authority, or used to supplant other federal, state, or local funds expended for elections. The secretary**

of state may transfer moneys from the fund to the election improvements revolving loan fund as the secretary deems necessary to facilitate compliance with the Help America Vote Act of 2002. Notwithstanding section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of any biennium shall not revert to the credit of the general revenue fund. All yield, interest, income, increment, or gain received from time deposit of moneys in the state treasury to the credit of the fund shall be credited to the fund. Notwithstanding any provision of law to the contrary, no amount of moneys in the fund shall be transferred from the fund or charged for purposes of the administration of central services for the state of Missouri.

2. There is hereby created in the state treasury the "Election Improvements Revolving Loan Fund", which shall consist of all moneys appropriated to it by the general assembly, all repayment of moneys from eligible lenders and any moneys deposited or transferred to the fund for the purpose of improving the administration of elections through loans. The state treasurer shall be custodian of the fund and shall make disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Money in the fund shall be used solely for improving the administration of elections through loans. Notwithstanding section 33.080, RSMo, to the contrary, any moneys remaining in the fund shall not revert to the credit of the general revenue fund. All yield, interest, income, increment, or gain received from time deposit of moneys in the state treasury to the credit of the fund shall be credited to the fund. Notwithstanding any provision of law to the contrary, no amount of moneys in the fund shall be transferred from the fund or charged for purposes of the administration of central services for the state of Missouri. The secretary of state is authorized to administer the fund in accordance with this section and the Help America Vote Act of 2002, and to promulgate rules to execute this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

**115.085. QUALIFICATIONS OF ELECTION JUDGES.** — No person shall be appointed to serve as an election judge who is not a registered voter in [the jurisdiction of the election authority for which he or she is appointed] **this state; provided that, before any election authority may appoint judges who are registered voters of another election authority's jurisdiction, the election authority shall obtain the written consent of the election authority for the jurisdiction where the prospective judges are registered to vote.** Each election judge shall be a person of good repute and character who can speak, read, and write the English language. No person shall serve as an election judge at any polling place in which his or her name or the name of a relative within the second degree, by consanguinity or affinity, appears on the ballot. However, no relative of any unopposed candidate shall be disqualified from serving as an election judge in any election jurisdiction of the state. No election judge shall, during his or her term of office, hold any other **elective** public office, other than as a member of a political party committee or township office, except any person who is [an employee of the state of Missouri or who is appointed to or employed by or] elected to a board or commission of a political subdivision or special district may serve as an election judge except at a polling place where such political subdivision or special district has an issue or candidate on the ballot. In any county having a population of less than two hundred fifty thousand inhabitants, any candidate for the county committee of a political party who is not a candidate for any other office and who is unopposed for election as a member of the committee shall not be disqualified from serving as an election judge.

**115.098. ELECTION JUDGES, GRANT, LOAN, OR OTHER AID PROGRAM TO INCREASE COMPENSATION, REQUIREMENTS — RULEMAKING AUTHORITY.** — 1. Subject to appropriation from federal funds, the secretary of state shall administer a grant, **loan, or other aid** program for

the purpose of increasing the compensation of election judges. Such funding shall be made available to election authorities contingent upon the election authority increasing the compensation of election judges to an amount not less than seven dollars per hour. Such funding [shall] **may** be in the form of matching grants. The secretary of state when awarding grants shall give priority to jurisdictions which have the highest number of residents according to the most recent federal census, with an income below the federal poverty level as established by the federal Department of Health and Human Services or its successor agency. The secretary of state may promulgate rules to effectuate the provisions of this section.

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

**115.103. TRAINING COURSES REQUIRED, COMPENSATION WHILE IN TRAINING AUTHORIZED.** — [Any election authority may establish training courses for election judges and may compensate them for attendance at the rate set for election service subject to the approval of the governing body of a county not having a board of election commissioners, or the political subdivision or special district] **All election authorities shall establish training courses for election judges. Such courses shall include substantially the curriculum developed by the secretary of state's office in accordance with the Help America Vote Act of 2002. Election authorities may compensate judges for attendance at the rate set for election service subject to the approval of the governing body of a county not having a board of election commissioners, or the political subdivision or special district.**

**115.105. CHALLENGERS, HOW SELECTED, QUALIFICATIONS — CHALLENGES, WHEN MADE — CHALLENGERS MAY COLLECT CERTAIN INFORMATION AT PRESIDENTIAL PRIMARY ELECTIONS.** — 1. The chair of the county committee of each political party named on the ballot shall have the right to designate a challenger for each polling place, who may be present during the hours of voting, and a challenger for each location at which absentee ballots are counted, who may be present while the ballots are being prepared for counting and counted. **No later than four business days before the election, the chair of each county committee of each political party named on the ballot shall provide signed official designation forms with the names of the designated challengers and substitutes to the local election authority for confirmation of eligibility to serve as a challenger. The local election authority, after verifying the eligibility of each designated and substitute challenger, shall sign off on the official designation forms, unless the challenger is found not to have the qualifications established by subsection 5 of this section. If the election authority determines that a challenger does not meet the qualifications of subsection 5 of this section, the designating party chair may designate a replacement challenger and provide the local election authority with the name of the replacement challenger before 5:00 p.m., of the Monday preceding the election.** The designating chair may substitute challengers at his or her discretion during such hours.

2. Challenges may only be made when the challenger believes the election laws of this state have been or will be violated, and each challenger shall report any such belief to the election judges, or to the election authority if not satisfied with the decision of the election judges.

3. Prior to the close of the polls, challengers may list and give out the names of those who have voted. The listing and giving out of names of those who have voted by a challenger shall not be considered giving information tending to show the state of the count.

4. In a presidential primary election, challengers may collect information about the party ballot selected by the voter and may disclose party affiliation information after the polls close.

5. All persons selected as challengers shall have the same qualifications required by section 115.085 for election judges, **except that such challenger shall be a registered voter in the jurisdiction of the election authority for which the challenger is designated as a challenger.**

**115.107. WATCHERS, HOW SELECTED, QUALIFICATIONS, DUTIES.** — 1. At every election, the chairman of the county committee of each political party named on the ballot shall have the right to designate a watcher for each place votes are counted.

2. Watchers are to observe the counting of the votes and present any complaint of irregularity or law violation to the election judges, or to the election authority if not satisfied with the decision of the election judges. No watcher may be substituted for another on election day.

3. No watcher shall report to anyone the name of any person who has or has not voted.

4. All persons selected as watchers shall have the same qualifications required by section 115.085 for election judges, **except that such watcher shall be a registered voter in the jurisdiction of the election authority for which the watcher is designated as a watcher.**

**115.115. POLLING PLACES, HOW DESIGNATED, EXCEPTION — NOTICE TO VOTERS — VOTERS NOT REQUIRED TO GO TO MORE THAN ONE POLLING PLACE — ELDERLY AND HANDICAPPED POLLING PLACES, COMMON SITES — PLAN FOR INCREASED ACCESSIBILITY, CONTENTS.** — 1. Except as provided in subsection 2 of this section or in section 115.436, for each election within its jurisdiction, the election authority shall designate a polling place for each precinct within which any voter is entitled to vote at the election.

2. For any election, the election authority shall have the right to consolidate two or more adjoining precincts for voting at a single polling place and to designate one set of judges to conduct the election for such precincts. Voters shall be notified of the place for voting in the manner provided in section 115.127 or 115.129.

3. No person shall be required to go to more than one polling place to vote on the same day.

4. Prior to the opening of the polling places on any election day, if candidates or issues for more than one political subdivision or district are to be voted for at one precinct, the election authority for that precinct shall provide color-coded ballots, or ballots with other distinguishing codes, to show what candidates and issues the voter is eligible to vote, based on the voter's place of residence, so that on election day no voter will have an opportunity to vote for candidates or issues for which the voter is not entitled to vote. If such ballots are not available, the election authority shall be notified and voting at that precinct shall not begin until appropriate ballots are available.

5. Each local election authority [may] **shall** designate one common site **and may designate up to four additional common sites** as [an] election day **central** polling [place] **places** designed for accessibility to [the handicapped and] **voters who have physical disabilities, the elderly, and any other registered voter authorized by law to vote at a central polling place. Such sites shall conform to nationally accepted accessibility standards.** In addition to being able to supply such voters with their appropriate ballots, and being open during regular voting hours, such a polling place shall otherwise be staffed and operated in accordance with law, especially as provided in subsection 3 of section 115.436 and subsection 3 of section 115.445, and like any other polling place, insofar as possible.

6. **Subject to receipt of sufficient section 261 funds authorized by the Help America Vote Act of 2002, the secretary of state shall develop a comprehensive plan for increased polling place accessibility. The secretary of state shall apply for funds pursuant to section 261 of the Help America Vote Act of 2002 and may allocate section 101 of the Help America Vote Act of 2002 funding after reaching full compliance of Title III of the Help America Vote Act of 2002. Any funds received pursuant to section 291 of the Help**

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America Vote Act of 2002 may be used for provisions of this section. The plan shall include:

(1) Completion of a comprehensive audit of current polling place accessibility using nationally accepted standards for architectural accessibility such as the Federal Election Commission Polling Place Accessibility Survey or other survey developed using the Americans with Disabilities Act Accessibility Guidelines. Audits shall be completed no later than twelve months after receipt of section 261 of the Help America Vote Act of 2002 funds. The audit shall include recommendations and cost estimates for each polling place to achieve accessibility and shall be procured in accordance with chapter 34, RSMo;

(2) Development of the plan, including timelines for barrier removal and funding needed to achieve one hundred percent polling place accessibility within twenty-four months after the completion of the audit. The implementation plan may be used by local election authorities in applying for any available federal and state funds available to improve polling place accessibility and shall be submitted to the general assembly by the secretary of state for use in determining future requirements and funding needs for polling place accessibility;

(3) Establishment of an oversight committee made up of individuals with disabilities, disability organizations, advocates, and election officials to assist the activities pursuant to this section.

Nothing in this section shall be construed to limit the ability of local election authorities to apply for and receive grants for polling place accessibility pursuant to section 261 of the Help America Vote Act of 2002 prior to the completion of the survey authorized pursuant to this section. Improvements to polling places made with grants received pursuant to section 261 of the Help America Vote Act of 2002 shall be used to meet standards as outlined in this section unless the requirements of the grant exceed these requirements.

**115.125. NOTICE OF ELECTION, WHEN GIVEN — FACSIMILE TRANSMISSION USED WHEN, EXCEPTIONS — LATE NOTIFICATION, PROCEDURE.** — 1. Not later than 5:00 p.m. on the tenth Tuesday prior to any election, except a special election to decide an election contest, tie vote or an election to elect seven members to serve on a school board of a district pursuant to section 162.241, RSMo, or a delay in notification pursuant to subsection 2 of this section, or pursuant to the provisions of section 115.399, the officer or agency calling the election shall notify the election authorities responsible for conducting the election. The notice shall be in writing, shall specify the name of the officer or agency calling the election and shall include a certified copy of the legal notice to be published pursuant to subsection 2 of section 115.127. The notice and any other information required by this section may, with the prior notification to the election authority receiving the notice, be accepted by facsimile transmission prior to 5:00 p.m. on the tenth Tuesday prior to the election, provided that the original copy of the notice and a certified copy of the legal notice to be published shall be received in the office of the election authority within three business days from the date of the facsimile transmission. In lieu of a certified copy of the legal notice to be published pursuant to subsection 2 of section 115.127, each notice of a special election to fill a vacancy shall include the name of the office to be filled, the date of the election and the date by which candidates must be selected or filed for the office. Not later than the fourth Tuesday prior to any special election to fill a vacancy called by a political subdivision or special district, the officer or agency calling the election shall certify a sample ballot to the election authorities responsible for conducting the election.

2. Except as provided for in sections 115.247 and 115.359, if there is no additional cost for the printing or reprinting of ballots or if the political subdivision or special district calling for the election agrees to pay any printing or reprinting costs, a political subdivision or special district may, at any time after certification required in subsection 1 of this section, but no later than 5:00 p.m. on the sixth Tuesday before the election, be permitted to make late notification to the election authority pursuant to court order, which, except for good cause shown by the election

authority in opposition thereto, shall be freely given upon application by the political subdivision or special district to the circuit court of the area of such subdivision or district. **No court shall have the authority to order an individual or issue be placed on the ballot less than six weeks before the date of the election, except as provided in sections 115.361 and 115.379.**

**115.127. NOTICE OF ELECTION, HOW, WHEN GIVEN — STRIKING NAMES OR ISSUES FROM BALLOT, REQUIREMENTS — DECLARATION OF CANDIDACY, OFFICERS FOR POLITICAL SUBDIVISIONS OR SPECIAL ELECTIONS, FILING DATE, WHEN, NOTICE REQUIREMENTS, EXCEPTIONS FOR CERTAIN HOME RULE CITIES — CANDIDATE WITHDRAWING, BALLOT REPRINTING, COST, HOW PAID.** — 1. Except as provided in subsection 4 of this section, upon receipt of notice of a special election to fill a vacancy submitted pursuant to section 115.125, the election authority shall cause legal notice of the special election to be published in a newspaper of general circulation in its jurisdiction. The notice shall include the name of the officer or agency calling the election, the date and time of the election, the name of the office to be filled and the date by which candidates must be selected or filed for the office. Within one week prior to each special election to fill a vacancy held in its jurisdiction, the election authority shall cause legal notice of the election to be published in two newspapers of different political faith and general circulation in the jurisdiction. The legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot. If there is only one newspaper of general circulation in the jurisdiction, the notice shall be published in the newspaper within one week prior to the election. If there are two or more newspapers of general circulation in the jurisdiction, but no two of opposite political faith, the notice shall be published in any two of the newspapers within one week prior to the election.

2. Except as provided in subsections 1 and 4 of this section and in sections 115.521, 115.549 and 115.593, the election authority shall cause legal notice of each election held in its jurisdiction to be published. The notice shall be published in two newspapers of different political faith and qualified pursuant to chapter 493, RSMo, which are published within the bounds of the area holding the election. If there is only one so qualified newspaper, then notice shall be published in only one newspaper. If there is no newspaper published within the bounds of the election area, then the notice shall be published in two qualified newspapers of different political faith serving the area. Notice shall be published twice, the first publication occurring in the second week prior to the election, and the second publication occurring within one week prior to the election. Each such legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot; and, unless notice has been given as provided by section 115.129, the second publication of notice of the election shall include the location of polling places. The election authority may provide any additional notice of the election it deems desirable.

3. The election authority shall print the official ballot as the same appears on the sample ballot, and no candidate's name or ballot issue which appears on the sample ballot or official printed ballot shall be stricken or removed from the ballot except on death of a candidate or by court order.

4. In lieu of causing legal notice to be published in accordance with any of the provisions of this chapter, the election authority in jurisdictions which have less than seven hundred fifty registered voters and in which no newspaper qualified pursuant to chapter 493, RSMo, is published, may cause legal notice to be mailed during the second week prior to the election, by first class mail, to each registered voter at the voter's voting address. All such legal notices shall include the date and time of the election, the location of the polling place, the name of the officer or agency calling the election and a sample ballot.

5. If the opening date for filing a declaration of candidacy for any office in a political subdivision or special district is not required by law or charter, the opening filing date shall be 8:00 a.m., the [fifteenth] **sixteenth** Tuesday prior to the election, **except that for any home rule city with more than four hundred thousand inhabitants and located in more than one**

county and any political subdivision or special district located in such city, the opening filing date shall be 8:00 a.m., the fifteenth Tuesday prior to the election. If the closing date for filing a declaration of candidacy for any office in a political subdivision or special district is not required by law or charter, the closing filing date shall be 5:00 p.m., the eleventh Tuesday prior to the election. The political subdivision or special district calling an election shall, before the [fifteenth] **sixteenth Tuesday, or the fifteenth Tuesday for any home rule city with more than four hundred thousand inhabitants and located in more than one county or any political subdivision or special district located in such city**, prior to any election at which offices are to be filled, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one newspaper of general circulation in the political subdivision or special district.

6. Except as provided for in sections 115.247 and 115.359, if there is no additional cost for the printing or reprinting of ballots or if the candidate agrees to pay any printing or reprinting costs, a candidate who has filed for an office or who has been duly nominated for an office may, at any time after the certification required in section 115.125 but no later than 5:00 p.m. on the sixth Tuesday before the election, withdraw as a candidate pursuant to a court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the candidate to the circuit court of the area of such candidate's residence.

**115.133. QUALIFICATIONS OF VOTERS.** — 1. Except as provided in subsection 2 of this section, any citizen of the United States who is a resident of the state of Missouri and seventeen years and six months of age or older shall be entitled to register and to vote in any election which is held on or after his eighteenth birthday.

2. No person who is adjudged incapacitated shall be entitled to register or vote. No person shall be entitled to vote:

- (1) While confined under a sentence of imprisonment;
- (2) While on probation or parole after conviction of a felony, until finally discharged from such probation or parole; or
- (3) After conviction of a felony or misdemeanor connected with the right of suffrage.

3. Except as provided in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote[, unless the voter is an intrastate new resident or an interstate new resident, as defined in section 115.275].

**115.135. PERSONS ENTITLED TO REGISTER, WHEN — IDENTIFICATION REQUIRED.** —

1. Any person who is qualified to vote, or who shall become qualified to vote on or before the day of election, shall be entitled to register in the jurisdiction within which he or she resides. In order to vote in any election for which registration is required, a person must be registered to vote in the jurisdiction of his or her residence no later than 5:00 p.m., or the normal closing time of any public building where the registration is being held if such time is later than 5:00 p.m., on the fourth Wednesday prior to the election, unless the voter is an **interstate former resident, an intrastate new resident or [an interstate] a new resident**, as defined in section 115.275. In no case shall registration for an election extend beyond 10:00 p.m. on the fourth Wednesday prior to the election. Any person registering after such date shall be eligible to vote in subsequent elections.

2. A person applying to register with an election authority or a deputy registration official shall present a valid Missouri drivers license or other form of personal identification at the time of registration.

3. Except as provided in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote[, unless the voter is an intrastate new resident or an interstate new resident, as defined in section 115.275].

**115.155. REGISTRATION — OATH.** — 1. The election authority shall provide for the registration of each voter. Each application shall be in substantially the following form:

**APPLICATION FOR REGISTRATION**

**Are you a citizen of the United States?** ☐ YES ☐ NO

**Will you be 18 years of age on or before election day?** ☐ YES ☐ NO

**IF YOU CHECKED "NO" IN RESPONSE TO EITHER OF THESE QUESTIONS, DO NOT COMPLETE THIS FORM.**

**IF YOU ARE SUBMITTING THIS FORM BY MAIL AND ARE REGISTERING FOR THE FIRST TIME, PLEASE SUBMIT A COPY OF A CURRENT, VALID PHOTO IDENTIFICATION OR A COPY OF A CURRENT UTILITY BILL, BANK STATEMENT, GOVERNMENT CHECK, PAYCHECK, OR GOVERNMENT DOCUMENT THAT SHOWS YOUR NAME AND ADDRESS. IF YOU DO NOT SUBMIT SUCH INFORMATION, YOU WILL BE REQUIRED TO PRESENT ADDITIONAL IDENTIFICATION UPON VOTING FOR THE FIRST TIME.**

.....	.....
Name	Township (or Ward)
.....	.....
Home Address	Precinct
.....	.....
City	Required Personal
ZIP	Identification Information
.....	.....
Date of Birth	Place of Birth (Optional)
.....	.....
Telephone Number	Mother's Maiden Name
(Optional)	(Optional)
.....	.....
Occupation (Optional)	Last Place Previously Registered
.....	.....
Last four digits of	Under What Name
Social Security Number	
(Required for registration unless	
no Social Security number exists	
for Applicant)	
Remarks:	

.....  
When

I am a citizen of the United States and a resident of the state of Missouri. I have not been adjudged incapacitated by any court of law. If I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I do solemnly swear that all statements made on this card are true to the best of my knowledge and belief.

.....	.....
Signature of Voter	Date

.....  
Signature of Election Official

2. After supplying all information necessary for the registration records, each applicant who appears in person before the election authority shall swear or affirm the statements on the registration application by signing his or her full name, witnessed by the signature of the election authority or such authority's deputy registration official. Each applicant who applies to register

by mail pursuant to section 115.159, or pursuant to [the provisions of] section 115.160 or 115.162, shall attest to the statements on the application by his or her signature.

3. Upon receipt by mail of a completed and signed voter registration application, a voter registration application forwarded by the division of motor vehicle and drivers licensing of the department of revenue pursuant to section 115.160, or a voter registration agency pursuant to section 115.162, the election authority shall, if satisfied that the applicant is entitled to register, transfer all data necessary for the registration records from the application to its registration system. Within seven business days after receiving the application, the election authority shall send the applicant a verification notice. If such notice is returned as undeliverable by the postal service within the time established by the election authority, the election authority shall not place the applicant's name on the voter registration file.

4. If, upon receipt by mail of a voter registration application or a voter registration application forwarded pursuant to section 115.160 or 115.162, the election authority determines that the applicant is not entitled to register, such authority shall, within seven business days after receiving the application, so notify the applicant by mail and state the reason such authority has determined the applicant is not qualified. The applicant may have such determination reviewed pursuant to the provisions of section 115.223. **If an applicant for voter registration fails to answer the question on the application concerning United States citizenship, the election authority shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form before the next election.**

5. It shall be the responsibility of the secretary of state to prescribe specifications for voter registration documents so that they are uniform throughout the state of Missouri and comply with the National Voter Registration Act of 1993, including the reporting requirements, and so that registrations, name changes and transfers of registrations within the state may take place as allowed by law.

6. All voter registration applications shall be preserved in the office of the election authority.

**115.157. REGISTRATION INFORMATION MAY BE COMPUTERIZED, INFORMATION REQUIRED — VOTER LISTS MAY BE SOLD — CANDIDATES MAY RECEIVE LIST FOR REASONABLE FEE — COMPUTERIZED REGISTRATION SYSTEM, REQUIREMENTS — VOTER HISTORY AND INFORMATION, HOW ENTERED, WHEN RELEASED — RECORDS CLOSED, WHEN.** — 1. The election authority may place all information on any registration cards in computerized form in accordance with [subsection 2 of] section 115.158. No election authority or secretary of state shall furnish to any member of the public electronic media or printout showing any registration information, except as provided in this section. Except as provided in subsection 2 of this section, the election authority or secretary of state shall make available electronic media or printouts showing unique voter identification numbers, voters' names, dates of birth, addresses, townships or wards, and precincts. Electronic data shall be maintained in at least the following separate fields:

- (1) Voter identification number;
- (2) First name;
- (3) Middle initial;
- (4) Last name;
- (5) Suffix;
- (6) Street number;
- (7) Street direction;
- (8) Street name;
- (9) Street suffix;
- (10) Apartment number;
- (11) City;
- (12) State;

- (13) Zip code;
- (14) Township;
- (15) Ward;
- (16) Precinct;
- (17) Senatorial district;
- (18) Representative district;
- (19) Congressional district.

All election authorities shall enter voter history in their computerized registration systems and shall, not more than six months after the election, forward such data to the [centralized] **Missouri** voter registration system established in section 115.158. **In addition, election authorities shall forward registration and other data in a manner prescribed by the secretary of state to comply with the Help America Vote Act of 2002.** Except as provided in subsection 2 of this section, the election authority shall also furnish, for a fee, electronic media or a printout showing the names, dates of birth and addresses of voters, or any part thereof, within the jurisdiction of the election authority who voted in any specific election, including primary elections, by township, ward or precinct, provided that nothing in this chapter shall require such voter information to be released to the public over the Internet. The amount of fees charged for information provided in this section shall be established pursuant to chapter 610, RSMo. All revenues collected by the secretary of state pursuant to this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account established pursuant to section 28.160, RSMo. In even-numbered years, each election authority shall, upon request, supply the voter registration list for its jurisdiction to all candidates and party committees for a charge established pursuant to chapter 610, RSMo. Except as provided in subsection 2 of this section, all election authorities shall make the information described in this section available pursuant to chapter 610, RSMo. Any election authority who fails to comply with the requirements of this section shall be subject to the provisions of chapter 610, RSMo.

2. Any person working as an undercover officer of a local, state or federal law enforcement agency, persons in witness protection programs, and victims of domestic violence and abuse who have received orders of protection pursuant to chapter 455, RSMo, shall be entitled to apply to the circuit court having jurisdiction in his or her county of residence to have the residential address on his or her voter registration records closed to the public if the release of such information could endanger the safety of the person. Any person working as an undercover agent or in a witness protection program shall also submit a statement from the chief executive officer[, as defined in subsection 2 of section 590.100, RSMo,] of the agency under whose direction he or she is serving. The petition to close the residential address shall be incorporated into any petition for protective order provided by circuit clerks pursuant to chapter 455, RSMo. If satisfied that the person filing the petition meets the qualifications of this subsection, the circuit court shall issue an order to the election authority to keep the residential address of the voter a closed record and the address may be used only for the purposes of administering elections pursuant to this chapter. The election authority may require the voter who has a closed residential address record to verify that his or her residential address has not changed or to file a change of address and to affirm that the reasons contained in the original petition are still accurate prior to receiving a ballot. A change of address within an election authority's jurisdiction shall not require that the voter file a new petition. Any voter who no longer qualifies pursuant to this subsection to have his or her residential address as a closed record shall notify the circuit court. Upon such notification, the circuit court shall void the order closing the residential address and so notify the election authority.

**115.158. MISSOURI VOTER REGISTRATION SYSTEM AUTHORIZED, FUNCTIONS — SYSTEM MAINTENANCE PERFORMED — SECURITY MEASURES IMPLEMENTED — VERIFICATION OF INFORMATION — USE OF SYSTEM FOR ELECTION RESULTS — INFORMATION NOT TO BE USED FOR COMMERCIAL PURPOSES, PENALTY — ADVISORY**

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**COMMITTEE ESTABLISHED, DUTIES — RULEMAKING AUTHORITY.** — 1. [On or before July 1, 1996, the secretary of state may begin to procure and develop an electronic data processing system and programs capable of maintaining a centralized database of all registered voters in the state. This system shall be known as the "Centralized Voter Registration System". In addition to maintaining a centralized voter registration database, the election authorities and secretary of state may use the system for the collection and dissemination of election results and other pertinent information. Any information contained in any state or local voter registration system, limited to the master voter registration list or any other list generated from the information, subject to chapter 610, RSMo, shall not be used for commercial purposes; provided, however, that the information can be used for elections, for candidates, or for ballot measures, furnished at a reasonable fee. Violation of this section shall be a class B misdemeanor.] **The secretary of state shall implement a centralized, interactive computerized statewide voter registration list. This computerized list shall be known as the "Missouri Voter Registration System". The system shall be implemented by January 1, 2004, unless a waiver is obtained pursuant to the Help America Vote Act of 2002. If a waiver is obtained, the system shall be implemented by January 1, 2006. The system shall be maintained and administered by the secretary of state and contain the name and registration information of every legally registered voter in Missouri. In addition, the system shall:**

- (1) Assign a unique identifier to each legally registered voter in Missouri;**
- (2) Serve as the single system for storing and managing the official list of registered voters throughout Missouri;**
- (3) Be coordinated with other agency databases in Missouri;**
- (4) Allow any election official in Missouri, including local election authorities, immediate electronic access to the information contained in the system;**
- (5) Allow all voter registration information obtained by any local election official in Missouri to be electronically entered into the system on an expedited basis at the time the information is provided to the local official. The secretary of state, as the chief state election official, shall provide such support as may be required so that local election officials are able to enter the registration information; and**
- (6) Serve as the official voter registration list for the conduct of all elections in Missouri.**

2. The secretary of state [may adopt rules and regulations necessary to administer the system required in subsection 1 of this section. The rules and regulations must at least:

- (1) Provide for voters to submit their registration to those offices and agencies authorized in this chapter and the National Voter Registration Act of 1993;
- (2) Provide for the establishment and maintenance of a centralized database for all voter registration information;
- (3) Provide procedures for entering data into the centralized database;
- (4) Provide for the interaction with other state agencies and departments to facilitate voter registration;
- (5) Allow election authorities and the secretary of state to add, modify, and delete information from the system to provide for accurate and up-to-date information;
- (6) Allow election authorities and the secretary of state access to the centralized database for review and search capabilities;
- (7) Provide security and protection of all information in the centralized database and monitor the centralized database to ensure unauthorized entry is not allowed;
- (8) Provide a system for each election authority to identify the precinct to which a voter should be assigned for voting purposes;
- (9) Provide a procedure for phasing in or converting existing manual and computerized voter registration systems to the centralized voter registration system; and

(10) Provide a procedure for transferring data from election authorities' existing computerized voter registration systems located in first class counties to the centralized voter registration system] **and local election authorities shall perform system maintenance on a regular basis, which shall include:**

(1) **Removing names in accordance with the provisions and procedures of the National Voter Registration Act of 1993 and coordinating system maintenance activities with state agency records on death and felony status;**

(2) **Requiring the name of each registered voter to appear in the system;**

(3) **Removing only voters who are not registered or who are not eligible to vote; and**

(4) **Eliminating duplicate names from the system.**

3. The secretary of state shall [be responsible for the implementation and maintenance of the centralized voter registration system] **provide adequate technological security measures to prevent the unauthorized access to the system established pursuant to this section.**

4. The secretary of state shall [by rule and regulation establish an advisory committee to assist in the establishment and maintenance of a centralized voter registration system] **develop procedures to ensure that voter registration records within the system are accurate and updated regularly. At a minimum, the procedures shall include:**

(1) **A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote. Consistent with the National Voter Registration Act of 1993, registrants who have not responded to a notice and who have not voted in two consecutive general elections for federal office shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote; and**

(2) **Safeguards to ensure that eligible voters are not removed in error.**

5. [Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.] **Voter registration information shall be verified in accordance with the Help America Vote Act of 2002.**

(1) **Except as provided in subdivision (2) of this subsection, an application for voter registration may not be accepted or processed unless the application includes:**

(a) **In the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or**

(b) **In the case of any other applicant, other than an applicant to whom subdivision (2) applies, the last four digits of the applicant's Social Security number.**

(2) **If an applicant for voter registration has not been issued a current and valid driver's license or a Social Security number, the applicant shall be assigned a number which will serve to identify the applicant for voter registration purposes. The number assigned under this subdivision shall be used as the unique identifying number within the system.**

(3) **The secretary of state and the director of the department of revenue shall enter into an agreement to match information in the database of the voter registration system with information in the database of the motor vehicle system to enable the secretary to verify the accuracy of information provided on applications for voter registration.**

(4) **The director of the department of revenue shall enter into an agreement with the commissioner of Social Security and comply with the Help America Vote Act of 2002.**

6. In addition to using the system for voter registration, the election authorities and secretary of state may use the system for the collection and dissemination of election results and other pertinent information. Any information contained in any state or local voter registration system, limited to the master voter registration list or any other list generated from the information, subject to chapter 610, RSMo, shall not be used for commercial purposes; provided, however, that the information may be used for elections, for candidates, or for ballot measures, furnished at a reasonable fee. Violation of this section shall be a class B misdemeanor. For purposes of this section, "commercial purposes" means the use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout, or photograph for sale or the obtaining of names and addresses from public records for the purpose of solicitation or the sale of names and addresses to another for the purpose of solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of the public record.

7. The secretary of state shall establish an advisory committee to assist in the establishment and maintenance of the Missouri voter registration system.

8. The secretary of state may promulgate rules to execute this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

9. Election authorities and any agency required under the National Voter Registration Act of 1993 to accept voter registration applications shall forward registration and other data in a manner prescribed by the secretary of state to assist with administering and maintaining the Missouri voter registration system in accordance with the Help America Vote Act of 2002.

**115.159. REGISTRATION BY MAIL, VOTER I.D. CARD DELIVERED TO VOTER, WHEN — DELIVERY OF ABSENTEE BALLOTS, WHEN — PROVISIONAL BALLOT BY MAIL PERMITTED, WHEN. —** 1. Any person who is qualified to register in Missouri shall, upon application, be entitled to register by mail. Upon request, application forms shall be furnished by the election authority or the secretary of state.

2. Notwithstanding any provision of law to the contrary, the election authority shall not deliver any voter identification card to any person who registers to vote by mail until after such person has voted, in person, after presentation of a proper form of identification, for the first time following registration at [his] the new polling place designated by the election authority. **An individual who has registered to vote by mail and who desires to vote in person, but who does not present a proper form of identification for the first time following registration, may cast a provisional ballot. Such provisional ballot shall not be counted pursuant to this chapter, and the individual shall be notified of the reason for not counting the ballot.**

3. Notwithstanding any provision of law to the contrary, the election authority shall not deliver any absentee ballot to any person who registers to vote by mail until after such person has:

(1) Voted, in person, after presentation of a proper form of identification set out in section 115.427, for the first time following registration; or

(2) Provided a copy of identification set out in section 115.427 to the election authority. This subsection shall not apply to those persons identified in section 115.283 who are exempted from obtaining a notary seal or signature on their absentee ballots. **An individual who has registered to vote by mail but who does not meet the requirements of this subsection may cast a provisional ballot by mail. Such ballot shall not be counted pursuant to this chapter, and the individual shall be notified of the reason for not counting the ballot.**

4. Subsections 2 and 3 of this section shall not apply in the case of a person:

(1) Who registers to vote by mail pursuant to section 6 of the National Voter Registration Act of 1993 and submits as part of such registration either:

- (a) A copy of a current and valid photo identification; or
- (b) A copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter;
- (2) Who registers to vote by mail pursuant to section 6 of the National Voter Registration Act of 1993 and:
  - (a) Submits with such registration either a driver's license number, or at least the last four digits of the individual's Social Security number; and
  - (b) With respect to whom the secretary of state matches the information submitted pursuant to paragraph (a) of this subdivision with an existing state identification record bearing the same number, name, and date of birth as provided in such registration;
- (3) Who is:
  - (a) Entitled to vote by absentee ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act;
  - (b) Provided the right to vote otherwise than in person pursuant to section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act; or
  - (c) Entitled to vote otherwise than in person pursuant to any other federal law.

**115.165. TRANSFER OF REGISTRATION, HOW, WHEN — PROCEDURE.** — 1. If the voter files a change of address application in person at the office of the election authority, at the polling place, or pursuant to section 115.159, 115.160, 115.162 or 115.193, or otherwise provides signed written notice of the move, **including notice by facsimile transmission**, an election authority may change the address on a voter registration record for a voter who moves within the election authority's jurisdiction after comparing and verifying the signature. Before changing the address on a voter record, the election authority shall be satisfied that the record is that of the person providing the change of address information.

2. A registered voter who has changed his or her residence within an election authority's jurisdiction and has not been removed from the list of registered voters pursuant to this chapter shall be permitted to file a change of address with the election authority or before an election judge at a polling place and vote at a central polling place or at the polling place that serves his or her new address upon written or oral affirmation by the voter of the new address.

3. If the applicant for registration was last registered in another jurisdiction within this state or another state, the election authority shall send notice of the registration to the election authority where the applicant was previously registered. The election authority sending the notice shall provide identifying information to assist the election authority receiving the notice to determine whether the person named was previously registered in such jurisdiction and whether, based on the identifying information provided, the application can be removed from the voting record in the former jurisdiction.

4. Upon receipt of a notice from another election authority that a voter has registered in another jurisdiction in this state or another state, the election authority shall determine whether sufficient information is provided in the notice to identify the person named in such notice as previously registered in the election authority's jurisdiction and presently removable from the voting records in the election authority's jurisdiction. Every election authority is authorized to examine the information provided in a notice of duplicate registration provided by the [centralized] **Missouri** voter registration [database] **system** authorized pursuant to section 115.158 to determine if a voter in one election authority's voter registration records has subsequently registered in another jurisdiction. If, after reviewing the information provided, the election authority is satisfied that the person identified in the notice is listed as a registered voter in the election authority's jurisdiction but has subsequently registered in another jurisdiction, the election authority may remove the person's registration from the list of registered voters.

**115.275. DEFINITIONS RELATIVE TO ABSENTEE BALLOTS.** — As used in sections 115.275 to 115.304, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Absentee ballot", any of the ballots a person is authorized to cast away from a polling place pursuant to the provisions of sections 115.275 to 115.304;

(2) "Interstate former resident", a former resident and registered voter in this state who moves from Missouri to another state after the deadline to register to vote in any presidential election in the new state and who otherwise possesses the qualifications to register and vote in such state;

(3) "Intrastate new resident", a registered voter of this state who moves from one election authority's jurisdiction in the state to another election authority's jurisdiction in the state after the last day authorized in this chapter to register to vote in an election and otherwise possesses the qualifications to vote;

(4) "New resident", a person who moves to this state after the last date authorized in this chapter to register to vote in any presidential election;

(5) "Overseas voter" includes:

(a) An absent uniformed services voter who, by reason of active duty or service is absent from the United States on the date of the election involved;

(b) A person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or

(c) A person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States;

(6) "Persons in federal service" includes:

(a) Members of the armed forces of the United States, while in active service, and their spouses and dependents;

(b) Active members of the merchant marine of the United States and their spouses and dependents;

(c) Civilian employees of the United States government working outside the boundaries of the United States, and their spouses and dependents;

(d) Active members of religious or welfare organizations assisting servicemen, and their spouses and dependents;

(e) Persons who have been honorably discharged from the armed forces or who have terminated their service or employment in any group mentioned in this section within sixty days of an election, and their spouses and dependents.

**115.277. PERSONS ELIGIBLE TO VOTE ABSENTEE.** — 1. Except as provided in subsections 3, 4 and 5 of this section, any registered voter of this state may vote by absentee ballot for all candidates and issues for which such voter would be eligible to vote at the polling place if such voter expects to be prevented from going to the polls to vote on election day due to:

(1) Absence on election day from the jurisdiction of the election authority in which such voter is registered to vote;

(2) Incapacity or confinement due to illness or physical disability, including a person who is primarily responsible for the physical care of a person who is incapacitated or confined due to illness or disability;

(3) Religious belief or practice;

(4) Employment as an election authority, as a member of an election authority, or by an election authority at a location other than such voter's polling place;

(5) Incarceration, provided all qualifications for voting are retained.

2. Any person in [active duty military] **federal** service, as defined in section 115.275, who is eligible to register and vote in this state **but is not registered** may vote only in the election of presidential and vice presidential electors, United States senator and representative in Congress even [if] **though** the person is not registered. Each person in federal service may vote by absentee ballot or, upon submitting an affidavit that the person is qualified to vote in the election, may vote at the person's polling place.

3. Any interstate former resident, as defined in section 115.275, may vote by absentee ballot for presidential and vice presidential electors.

4. Any intrastate new resident, as defined in section 115.275, may vote by absentee ballot at the election for presidential and vice presidential electors, United States senator, representative in Congress, statewide elected officials and statewide questions, propositions and amendments from such resident's new jurisdiction of residence after registering to vote in such resident's new jurisdiction of residence.

5. Any new resident, as defined in section 115.275, may vote by absentee ballot for presidential and vice presidential electors after registering to vote in such resident's new jurisdiction of residence.

**115.279. APPLICATION FOR ABSENTEE BALLOT, HOW MADE.** — 1. Application for an absentee ballot may be made by the applicant in person, or by mail, or for the applicant, in person, by his or her guardian or a relative within the second degree by consanguinity or affinity. The election authority shall accept applications by facsimile transmission within the limits of its telecommunications capacity.

2. Each application shall be made to the election authority of the jurisdiction in which the person is or would be registered. Each application shall be in writing and shall state the applicant's name, address at which he or she is or would be registered, his or her reason for voting an absentee ballot and the address to which the ballot is to be mailed, if mailing is requested. Each application to vote in a primary election shall also state which ballot the applicant wishes to receive. If any application fails to designate a ballot, the election authority shall, within three working days after receiving the application, notify the applicant by mail that it will be unable to deliver an absentee ballot until the applicant designates which political party ballot he or she wishes to receive. If the applicant does not respond to the request for political party designation, the election authority is authorized to provide the voter with that part of the ballot for which no political party designation is required.

3. All applications for absentee ballots received prior to the sixth Tuesday before an election shall be stored at the office of the election authority until such time as the applications are processed in accordance with section 115.281. No application for an absentee ballot received in the office of the election authority by mail, by facsimile transmission or by a guardian or relative after 5:00 p.m. on the Wednesday immediately prior to the election shall be accepted by any election authority. No application for an absentee ballot submitted by the applicant in person after 5:00 p.m. on the day before the election shall be accepted by any election authority, except as provided in subsections 6, 8 and 9 of this section.

4. Each application for an absentee ballot shall be signed by the applicant or, if the application is made by a guardian or relative pursuant to [the provisions of] this section, the application shall be signed by the guardian or relative, who shall note on the application his or her relationship to the applicant. If an applicant, guardian or relative is blind, unable to read or write the English language or physically incapable of signing the application, he or she shall sign by mark, witnessed by the signature of an election official or person of his or her own choosing. Any person who knowingly makes, delivers or mails a fraudulent absentee ballot application shall be guilty of a class one election offense.

5. **(1)** Notwithstanding any law to the contrary, any resident of the state of Missouri who resides outside the boundaries of the United States or who is on active duty with the armed forces of the United States or members of their immediate family living with them may request an absentee ballot for both the primary and subsequent general election with one application. **In addition, the election authority shall provide to each absent uniformed services voter and each overseas voter who submits an absentee ballot request, an absentee ballot through the next two regularly scheduled general elections for federal office.**

**(2)** The election authority shall provide each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot

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request, if the election authority rejects the application or request, with the reasons for the rejection.

(3) Notwithstanding any other law to the contrary, if a standard oath regarding material misstatements of fact is adopted for uniformed and overseas voters pursuant to the Help America Vote Act of 2002, the election authority shall accept such oath for voter registration, absentee ballot, or other election-related materials.

(4) Not later than sixty days after the date of each regularly scheduled general election for federal office, each election authority which administered the election shall submit to the secretary of state in a format prescribed by the secretary a report on the combined number of absentee ballots transmitted to, and returned by, absent uniformed services voters and overseas voters for the election. The secretary shall submit to the Election Assistance Commission a combined report of such information not later than ninety days after the date of each regularly scheduled general election for federal office and in a standardized format developed by the commission pursuant to the Help America Vote Act of 2002. The secretary shall make the report available to the general public.

(5) As used in this section, the terms "absent uniformed services voter" and "overseas voter" shall have the meaning prescribed in 42 U.S.C. 1973ff-6.

6. An application for an absentee ballot by a new resident, as defined in section 115.275, shall be submitted in person by the applicant in the office of the election authority in the election jurisdiction in which such applicant resides. The application shall be received by the election authority no later than 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit, executed in duplicate in the presence of the election authority or any authorized officer of the election authority, and in substantially the following form:

"STATE OF.....  
COUNTY OF....., ss.

I,....., do solemnly swear that:

(1) Before becoming a resident of this state, I resided at .....  
(residence address) in ..... (town, township, village or city) of .....  
County in the state of .....

(2) I moved to this state after the last day to register to vote in such general presidential election and I am now residing in the county of ....., state of Missouri;

(3) I believe I am entitled pursuant to the laws of this state to vote in the presidential election to be held November ....., ..... (year);

(4) I hereby make application for a presidential and vice presidential ballot. I have not voted and shall not vote other than by this ballot at such election.

Signed .....

(Applicant)

.....

(Residence Address)

Subscribed and sworn to before me this ..... day of

....., .....

Signed .....

(Title and name of officer authorized to administer oaths)"

7. The election authority in whose office an application is filed pursuant to subsection 6 of this section shall immediately send a duplicate of such application to the appropriate official of the state in which the new resident applicant last resided and shall file the original of such application in its office.

8. An application for an absentee ballot by an intrastate new resident, as defined in section 115.275, shall be made in person by the applicant in the office of the election authority in the election jurisdiction in which such applicant resides. The application shall be received by the election authority no later than 7:00 p.m. on the day of the election. Such application shall be

in the form of an affidavit, executed in duplicate in the presence of the election authority or an authorized officer of the election authority, and in substantially the following form:

"STATE OF .....

COUNTY OF ....., ss.

I, ....., do solemnly swear that:

(1) Before becoming a resident of this election jurisdiction, I resided at .....  
(residence address) in ..... (town, township, village or city) of ..... county  
in the state of .....

(2) I moved to this election jurisdiction after the last day to register to vote in such election;

(3) I believe I am entitled pursuant to the laws of this state to vote in the election to be held  
..... (date);

(4) I hereby make application for an absentee ballot for candidates and issues on which I  
am entitled to vote pursuant to the laws of this state. I have not voted and shall not vote other  
than by this ballot at such election.

Signed .....

(Applicant)

.....

(Residence Address)

Subscribed and sworn to before me this ..... day of ....., .....

Signed .....

(Title and name of officer authorized to administer oaths)"

9. An application for an absentee ballot by an interstate former resident, as defined in  
section 115.275, shall be received in the office of the election authority where the applicant was  
formerly registered by 5:00 p.m. on the Wednesday immediately prior to the election, unless the  
application is made in person by the applicant in the office of the election authority, in which  
case, such application shall be made no later than 7:00 p.m. on the day of the election.

**115.283. STATEMENTS OF ABSENTEE VOTERS OR PERSONS PROVIDING ASSISTANCE TO  
ABSENTEE VOTERS — FORMS — NOTARY SEAL NOT REQUIRED, WHEN — CHARGES BY  
NOTARIES, LIMITATIONS.** — 1. Each ballot envelope shall bear a statement on which the voter  
shall state the voter's name, the voter's voting address, the voter's mailing address and the voter's  
reason for voting an absentee ballot. On the form, the voter shall also state, under penalties of  
perjury that the voter is qualified to vote in the election, that the voter has not previously voted  
and will not vote again in the election, that the voter has personally marked the voter's ballot in  
secret or supervised the marking of the voter's ballot if the voter is unable to mark it, that the  
ballot has been placed in the ballot envelope and sealed by the voter or under the voter's  
supervision if the voter is unable to seal it, and that all information contained in the statement is  
true. In addition, any person providing assistance to the absentee voter shall include a statement  
on the envelope identifying the person providing assistance under penalties of perjury. Persons  
authorized to vote only for federal and statewide officers shall also state their former Missouri  
residence.

2. The statement for persons voting absentee ballots who are registered voters shall be in  
substantially the following form:

State of Missouri

County (City) of .....

I, ..... (print name), a registered voter of ..... County (City of  
St. Louis, Kansas City), declare under the penalties of perjury that I expect to be prevented from  
going to the polls on election day due to (check one):

..... absence on election day from the jurisdiction of the  
election authority in which I am registered;

..... incapacity or confinement due to illness or physical  
disability, including caring for a person who is

incapacitated or confined due to illness or disability;  
 ..... religious belief or practice;  
 ..... employment as an election authority or by an election authority at a location other than my polling place;  
 ..... incarceration, although I have retained all the necessary qualifications for voting.

I hereby state under penalties of perjury that I am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

.....  
 Signature of Voter

.....  
 Signature of Person  
 Assisting Voter  
 (if applicable)

Signed .....

Subscribed and sworn to  
 before me this ..... day

Signed .....

of ....., .....

Address of Voter

.....

.....

.....  
 Mailing addresses  
 (if different)

.....  
 Signature of notary or  
 other officer authorized  
 to administer oaths

3. The statement for persons voting absentee ballots pursuant to the provisions of subsection 2, 3, 4 or 5 of section 115.277 without being registered shall be in substantially the following form:

State of Missouri

County (City) of .....

I, ..... (print name), declare under the penalties of perjury that I am a citizen of the United States and eighteen years of age or older. I am not adjudged incapacitated by any court of law, and if I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I hereby state under penalties of perjury that I am qualified to vote at this election.

(1) I am a resident of the state of Missouri and (check one):

- ..... am a member of the U.S. armed forces in active service;
- ..... am an active member of the U.S. merchant marine;
- ..... am a civilian employee of the U.S. government working outside the United States;
- ..... am an active member of a religious or welfare organization assisting servicemen;
- ..... have been honorably discharged or terminated my service in one of the groups mentioned above within sixty days of this election;
- ..... am a spouse or dependent of one of the above;
- ..... am a registered voter in ..... County and moved from that county to ..... County, Missouri, after the last day to register to vote in this election.

OR (check if applicable)

(2) ..... I am an interstate former resident of Missouri and authorized to vote for presidential and vice presidential electors. I further state under penalties of perjury that I have

Address of Last Missouri  
Residence (if applicable)

.....  
Signature of Person

Assisting Voter  
(if applicable)

5. The statement for persons providing assistance to absentee voters shall be in substantially the following form:

The voter needed assistance in marking the ballot and signing above, because of blindness, other physical disability, or inability to read or to read English. I marked the ballot enclosed in this envelope at the voter's direction, when I was alone with the voter, and I had no other communication with the voter as to how he or she was to vote. The voter swore or affirmed the voter affidavit above and I then signed the voter's name and completed the other voter information above. Signed under the penalties of perjury.

Reason why voter needed assistance: .....

**ASSISTING PERSON SIGN HERE**

1. .... (signature of assisting person)
2. .... (assisting person's name printed)
3. .... (assisting person's residence)
4. .... (assisting person's home city or town).

6. Notwithstanding any other provision of this section, any resident of the state of Missouri who resides outside the boundaries of the United States or who is on active duty with the armed forces of the United States or members of their immediate family living with them or persons who have declared themselves to be permanently disabled pursuant to section 115.284, otherwise entitled to vote, shall not be required to obtain a notary seal or signature on his or her absentee ballot.

7. Notwithstanding any other provision of this section or section 115.291 to the contrary, the subscription, signature and seal of a notary or other officer authorized to administer oaths shall not be required on any ballot, ballot envelope, or statement required by this section if the reason for the voter voting absentee is due to the reasons established pursuant to subdivision (2) of subsection 1 of section 115.277.

**8. No notary shall charge or collect a fee for notarizing the signature on any absentee ballot or absentee voter registration.**

**9. A notary public who charges more than the maximum fee specified or who charges or collects a fee for notarizing the signature on any absentee ballot or absentee voter registration is guilty of official misconduct.**

**115.284. ABSENTEE VOTING PROCESS FOR PERMANENTLY DISABLED PERSONS ESTABLISHED — ELECTION AUTHORITY, DUTIES — APPLICATION, FORM — LIST OF QUALIFIED VOTERS ESTABLISHED.** — 1. There is hereby established an absentee voting process to assist persons with permanent disabilities in the exercise of their voting rights.

2. The local election authority shall send an application to participate in the absentee voting process set out in this section to any registered voter residing within the election authority's jurisdiction upon request.

3. Upon receipt of a properly completed application, the election authority shall enter the voter's name on a list of voters qualified to participate as absentee voters pursuant to this section.

4. The application to participate in the absentee voting process shall be in substantially the following form:

State of .....

County (City) of .....

I, ..... (print applicant's name), declare that I am a resident and registered voter of ..... County, Missouri, and am permanently disabled. I hereby request that my name be placed on the election authority's list of voters qualified to participate as absentee voters pursuant to section 115.284, and that I be delivered an absentee ballot application for each election in which I am eligible to vote.

.....

Signature of Voter

.....  
.....

Voter's Address

5. Not earlier than [six] **ten** weeks before an election but prior to the fourth Tuesday prior to an election, the election authority shall deliver to each voter qualified to participate as absentee voters pursuant to this section an absentee ballot application if the voter is eligible to vote in that election. If the voter returns the absentee request application to the election authority not later than 5:00 p.m. on the Wednesday before an election and has retained the necessary qualifications to vote, the election authority shall provide the voter with an absentee ballot pursuant to this chapter.

6. The election authority shall remove from the list of voters qualified to participate as absentee voters pursuant to this section any voter who:

- (1) Asks to be removed from the list;
- (2) Dies;
- (3) Becomes disqualified from voting pursuant to [the provisions of] chapter 115; or
- (4) No longer resides at the address of his or her voter registration.

**115.287. ABSENTEE BALLOT, HOW DELIVERED.** — 1. Upon receipt of a signed application for an absentee ballot and if satisfied the applicant is entitled to vote by absentee ballot, the election authority shall, within three working days after receiving the application, or if absentee ballots are not available at the time the application is received, within five working days after they become available, deliver to the voter an absentee ballot, ballot envelope and such instructions as are necessary for the applicant to vote. Delivery shall be made to the voter personally in the office of the election authority or by bipartisan teams appointed by the election authority, or by first class, registered, or certified mail at the discretion of the election authority. Where the election authority is a county clerk, the members of bipartisan teams representing the political party other than that of county clerk shall be selected from a list of persons submitted to the county clerk by the county chairman of that party. If no list is provided by the time that absentee ballots are to be made available, the county clerk may select a person or persons from lists provided in accordance with section 115.087. If the election authority is not satisfied that any applicant is entitled to vote by absentee ballot, it shall not deliver an absentee ballot to the applicant. Within three working days of receiving such an application, the election authority shall notify the applicant and state the reason he or she is not entitled to vote by absentee ballot. The applicant may appeal the decision of the election authority to the circuit court in the manner provided in section 115.223.

2. If, **after 5:00 p.m. on the Wednesday before an election**, any voter from the jurisdiction has become hospitalized [in the county in which the jurisdiction is located or in any county or in the jurisdiction of an adjoining election authority within the same county after 5:00 p.m. on the Wednesday before an election, if any voter from the jurisdiction has become], becomes confined due to illness or injury [after 5:00 p.m. on the Wednesday before an election or if any voter from the jurisdiction], or is confined in an adult boarding facility, intermediate care facility, residential care facility, or skilled nursing facility, as defined in section 198.006, RSMo, **in the county in which the jurisdiction is located or in the jurisdiction or an adjacent election authority within the same county**, the election authority shall appoint a team to deliver, witness the signing of and return the voter's application and deliver, witness the voting of and return the voter's absentee ballot[; except that, the election authority may allow a relative within the first degree of consanguinity or affinity to perform the same duties as a team for such confined voter]. In counties [of the first class] with a charter form of government and in cities not within a county, and in each city which has over three hundred thousand inhabitants, and is situated in more than one county, if the election authority receives ten or more applications for absentee ballots from the same address it may appoint a team to deliver and witness the voting and return of absentee

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ballots by voters residing at that address, except when such addresses are for an apartment building or other structure wherein individual living units are located, each of which has its own separate cooking facilities. Each team appointed [under the provisions of] **pursuant to** this subsection shall consist of two registered voters, one from each major political party. Both members of any team appointed pursuant to this subsection shall be present during the delivery, signing or voting and return of any application or absentee ballot signed or voted pursuant to this subsection.

3. On the mailing and ballot envelopes for each applicant in federal service, the election authority shall stamp prominently in [red] **black** the words "FEDERAL BALLOT, STATE OF MISSOURI" and "U.S. Postage Paid, [42 U.S.C., 1973 DD] **39 U.S.C. 3406**".

4. No information which encourages a vote for or against a candidate or issue shall be provided to any voter with an absentee ballot.

**115.292. SPECIAL WRITE-IN ABSENTEE BALLOT FOR PERSONS IN MILITARY SERVICE OR REMOTE AREAS FOR ALL OFFICERS, FORMS, PROCEDURE — WRITE-IN BALLOT TO BE REPLACED BY REGULAR BALLOT, WHEN, EFFECT.** — 1. Notwithstanding any other provision of this chapter, a qualified absentee voter, as described in subsection 3 of this section, may apply for a **special write-in absentee ballot** within eighty days of a **special, primary, or** general election for [a special write-in absentee ballot] **federal office**. Such a ballot shall be for voting for all offices being contested at such election.

2. A qualified absentee voter applying for a special write-in absentee ballot pursuant to this section shall apply to the local election authority of the area which contains his last residence in this state for such ballot. The application for a special write-in absentee ballot may be made on the federal postcard application form, by letter, or on a form provided by the local election authority.

3. In order to qualify for a special write-in absentee ballot, the voter shall state that he is unable to vote by any other means due to requirements of military service or due to living in isolated or extremely remote areas of the world. This statement may be made by federal postcard application, by letter, or on a form prepared by the local election authority.

4. Upon receipt of the application, the election authority shall issue a special write-in absentee ballot. Such ballot shall permit the voter to cast a ballot by writing in a party preference for each office, the names of specific candidates, or the names of persons whom the voter prefers.

5. The election authority shall issue a regular absentee ballot as soon as such ballots are available. If both the regular absentee ballot and the special write-in absentee ballot are returned, the regular absentee ballot shall be counted and the special write-in absentee ballot shall be voided.

**115.417. VOTER INSTRUCTION CARDS TO BE DELIVERED TO POLLS — INSTRUCTIONS AND SAMPLE BALLOTS TO BE POSTED, HOW.** — 1. Before the time fixed by law for the opening of the polls, the election authority shall deliver to each polling place a sufficient number of voter instruction cards which include the following information:

(1) If paper ballots or an electronic voting system is used, the instructions shall inform the voter on how to obtain a ballot for voting, how to vote and prepare the ballot for deposit in the ballot box and how to obtain a new ballot to replace one accidentally spoiled;

(2) If voting machines are used, the instructions shall inform the voter how to operate the machine in such a manner that the voter may vote as the voter wishes.

2. The election authority at each polling place shall post in a conspicuous place voting instructions on a poster no smaller than twenty-four inches by thirty inches. Such instructions shall also inform the voter that the voting equipment can be demonstrated upon request of the voter. **The election authority shall also publicly post during the period of time in which a person may cast an absentee ballot and on election day a sample version of the ballot that**

will be used for that election, the date of the election, the hours during which the polling place will be open, instructions for mail-in registrants and first-time voters, general information on voting rights in accordance with the state plan filed by the secretary of state pursuant to the Help America Vote Act of 2002, general information on the right to cast a provisional ballot and instructions for provisional ballots, how to contact appropriate authorities if voting rights have been violated, and general information on federal and Missouri law regarding prohibitions on acts of fraud and misrepresentation. The secretary of state may promulgate rules to execute this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

3. If marking devices or voting machines are used, the election authority shall also provide to each polling place a model of a marking device or portion of the face of a voting machine. If requested to do so by a voter, the election judges shall give instructions on operation of the marking device or voting machine by use of the model.

4. The secretary of state may develop multilingual voting instructions to be made available to election authorities.

**115.430. PROVISIONAL BALLOTS, USED WHEN, EXCEPTIONS, PROCEDURE — RULEMAKING AUTHORITY — FREE ACCESS SYSTEM ESTABLISHED — PROVISIONAL BALLOT ONLY USED, WHEN. —** 1. [The provisions of] This section shall apply to primary and general elections where candidates for federal or statewide offices are nominated or elected and any election where statewide issue or issues are submitted to the voters.

2. A voter claiming to be properly registered in the jurisdiction of the election authority and eligible to vote in an election, but whose eligibility cannot be immediately established upon examination of the precinct register or upon examination of the records on file with the election authority, shall be entitled to vote a provisional ballot after providing a form of personal identification required pursuant to section 115.427, **or may vote at a central polling place as established in section 115.115 where they may vote their appropriate ballot upon verification of eligibility or vote a provisional ballot if eligibility cannot be determined.** The provisional ballot contained in this section shall contain the statewide candidates and issues, and federal candidates. The congressional district on the provisional ballot shall be for the address contained on the affidavit provided for in this section. **If the voter declares that the voter is eligible to vote and the election authority determines that the voter is eligible to vote at another polling place, the voter shall be directed to the correct polling place or a central polling place as established by the election authority pursuant to subsection 5 of section 115.115. If the voter refuses to go to the correct polling place or a central polling place, the voter shall be permitted to vote a provisional ballot at the incorrect polling place, but such ballot shall not be counted.**

3. Once voted, the provisional ballot shall be placed and sealed in a provisional ballot envelope. The provisional ballot in its envelope shall be deposited in the ballot box. The provisional ballot envelope shall be completed by the voter for use in determining eligibility. The provisional ballot envelope specified in this section shall contain a voter's certificate which shall be in substantially the following form:

STATE OF .....

COUNTY OF .....

I do solemnly swear (or affirm) that my name is .....; that my date of birth is .....; that the last four digits of my Social Security Number are .....; that I am registered to vote in ..... County or City (if a City not within a County), Missouri; that I am a qualified voter of said County (or City not within a County); that I am eligible to vote at this polling place; and that I have not voted in this election.

I understand that if the above-provided information is not correct and the election authority determines that I am not registered and eligible to vote, my vote will not be counted. I further

understand that knowingly providing false information is a violation of law and subjects me to possible criminal prosecution.

.....  
(Signature of Voter)

.....  
(Current Address)

Subscribed and affirmed before me this ..... day of ....., 20.....

.....  
(Signature of Election Official)

The voter may provide additional information to further assist the election authority in determining eligibility, including the place and date the voter registered to vote, if known.

4. Prior to certification of the election, the election authority shall determine if the voter is registered and entitled to vote and if the vote was properly cast. The provisional ballot shall be counted only if the election authority determines that the voter is registered and entitled to vote. **Provisional ballots voted in the wrong polling place shall not be counted.** If the voter is not registered but is qualified to register for future elections, the affidavit shall be considered a mail application to register to vote [under the provisions of] pursuant to this chapter.

5. In counties where the voting system does not utilize a paper ballot, the election authority shall provide the appropriate provisional ballots to each polling place.

6. The secretary of state may promulgate rules for purposes of ensuring the uniform application of this section. **No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.**

7. [Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

8.] The secretary of state shall design and provide to the election authorities the envelopes and forms necessary to carry out the provisions of this section.

**8. Pursuant to the Help America Vote Act of 2002, the secretary of state shall ensure a free access system is established, such as a toll-free number or an Internet web site, that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted. At the time an individual casts a provisional ballot, the election authority shall give the voter written information that states that any individual who casts a provisional ballot will be able to ascertain under such free access system whether the vote was counted, and if the vote was not counted, the reason that the vote was not counted.**

**9. In accordance with the Help America Vote Act of 2002, any individual who votes in an election as a result of a court order or any other order extending the time established for closing the polls in section 115.407, may vote only by using a provisional ballot, and such provisional ballot shall be separated and held apart from other provisional ballots cast by those not affected by the order. Such ballots shall not be counted until such time as the ballots are determined to be valid.**

**115.436. PHYSICALLY DISABLED MAY VOTE AT POLLING PLACE, PROCEDURE.** — 1. In jurisdictions using paper ballots and electronic voting systems, when any physically disabled voter within two hundred feet of a polling place is unable to enter the polling place, two election judges, one of each major political party, shall, when time permits, take a ballot, equipment and

materials necessary for voting to the voter. The voter shall mark the ballot, and the election judges shall place the ballot in an envelope, seal it and place it in the ballot box.

2. In jurisdictions using voting machines, when any physically disabled voter within two hundred feet of a polling place is unable to enter the polling place, two election judges, one of each major political party, shall, when time permits, take an absentee ballot to the voter. The voter shall mark the ballot, and the election judges shall place the ballot in an envelope, seal it and place it in the ballot box.

3. **Upon request to the election authority**, the election authority in any jurisdiction [may] **shall** designate a polling place [more] accessible to any physically disabled voter **other** than the polling place to which that voter would normally be assigned to vote, provided that the candidates and issues voted on are consistent for both the designated location and the voting location for the voter's precinct. **Upon request**, the election authority may also assign members of the physically disabled voter's household **and such voter's caregiver** to the same voting location as the physically disabled voter. In no event shall a voter be assigned under this section to a designated location apart from the established voting location for the voter's precinct if the voter objects to the assignment to another location.

**115.637. CLASS FOUR ELECTION OFFENSES.** — The following offenses, and any others specifically so described by law, shall be class four election offenses and are deemed misdemeanors not connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than one year or by a fine of not more than two thousand five hundred dollars or by both such imprisonment and fine:

(1) Stealing or willfully concealing, defacing, mutilating, or destroying any sample ballots that may be furnished by an organization or individual at or near any voting place on election day, except that this subdivision shall not be construed so as to interfere with the right of an individual voter to erase or cause to be erased on a sample ballot the name of any candidate and substituting the name of the person for whom he intends to vote; or to dispose of the received sample ballot;

(2) Printing, circulating, or causing to be printed or circulated, any false and fraudulent sample ballots which appear on their face to be designed as a fraud upon voters;

(3) Purposefully giving a printed or written sample ballot to any qualified voter which is intended to mislead the voter;

(4) On the part of any candidate for election to any office of honor, trust, or profit, offering or promising to discharge the duties of such office for a less sum than the salary, fees, or emoluments as fixed by law or promising to pay back or donate to any public or private interest any portion of such salary, fees, or emolument as an inducement to voters;

(5) On the part of any canvasser appointed to canvass any registration list, willfully failing to appear, refusing to continue, or abandoning such canvass or willfully neglecting to perform his duties in making such canvass or willfully neglecting any duties lawfully assigned to him;

(6) On the part of any employer, making, enforcing, or attempting to enforce any order, rule, or regulation or adopting any other device or method to prevent an employee from engaging in political activities, accepting candidacy for nomination to, election to, or the holding of, political office, holding a position as a member of a political committee, soliciting or receiving funds for political purpose, acting as chairman or participating in a political convention, assuming the conduct of any political campaign, signing, or subscribing his name to any initiative, referendum, or recall petition, or any other petition circulated pursuant to law;

(7) On the part of any person authorized or employed to print official ballots, or any person employed in printing ballots, giving, delivering, or knowingly permitting to be taken any ballot to or by any person other than the official under whose direction the ballots are being printed, any ballot in any form other than that prescribed by law, or with unauthorized names, with names misspelled, or with the names of candidates arranged in any way other than that authorized by law;

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(8) On the part of any election authority or official charged by law with the duty of distributing the printed ballots, or any person acting on his behalf, knowingly distributing or causing to be distributed any ballot in any manner other than that prescribed by law;

(9) Any person having in his possession any official ballot, except in the performance of his duty as an election authority or official, or in the act of exercising his individual voting privilege;

(10) Willfully mutilating, defacing, or altering any ballot before it is delivered to a voter;

(11) On the part of any election judge, willfully absenting himself from the polls on election day without good cause or willfully detaining any election material or equipment and not causing it to be produced at the voting place at the opening of the polls or within fifteen minutes thereafter;

(12) On the part of any election authority or official, willfully neglecting, refusing, or omitting to perform any duty required of him by law with respect to holding and conducting an election, receiving and counting out the ballots, or making proper returns;

(13) On the part of any election judge, or party watcher or challenger, furnishing any information tending in any way to show the state of the count to any other person prior to the closing of the polls;

(14) On the part of any voter, except as otherwise provided by law, allowing his ballot to be seen by any person with the intent of letting it be known how he is about to vote or has voted, or knowingly making a false statement as to his inability to mark his ballot;

(15) On the part of any election judge, disclosing to any person the name of any candidate for whom a voter has voted;

(16) Interfering, or attempting to interfere, with any voter inside a polling place;

(17) On the part of any person at any registration site, polling place, counting location or verification location, causing any breach of the peace or engaging in disorderly conduct, violence, or threats of violence whereby such registration, election, count or verification is impeded or interfered with;

(18) Exit polling, surveying, sampling, electioneering, distributing election literature, posting signs or placing vehicles bearing signs with respect to any candidate or question to be voted on at an election on election day inside the building in which a polling place is located or within twenty-five feet of the building's outer door closest to the polling place, or, on the part of any person, refusing to remove or permit removal from property owned or controlled by him, any such election sign or literature located within such distance on such day after request for removal by any person;

**(19) Stealing or willfully defacing, mutilating, or destroying any campaign yard sign on private property, except that this subdivision shall not be construed to interfere with the right of any private property owner to take any action with regard to campaign yard signs on the owner's property and this subdivision shall not be construed to interfere with the right of any candidate, or the candidate's designee, to remove the candidate's campaign yard sign from the owner's private property after the election day.**

**115.761. OFFICIAL LIST OF CANDIDATES, HOW INCLUDED, FILING FEE — NAME REMOVED, HOW — BALLOT FORM, CONTENT.** — 1. The official list of presidential candidates for each established political party shall include the names of all constitutionally qualified candidates for whom, on or after 8:00 a.m. on the fifteenth Tuesday prior to the presidential primary, and on or before 5:00 p.m., on the eleventh Tuesday prior to the presidential primary, a written request to be included on the presidential primary ballot is filed with the secretary of state along with:

(1) Receipt of payment to the state committee of the established political party on whose ballot the candidate wishes to appear of a filing fee of one thousand dollars; or

(2) A written statement, sworn to before an officer authorized by law to administer oaths, that the candidate is unable to pay the filing fee and does not have funds in a campaign fund or

committee to pay the filing fee and a petition signed by not less than five thousand registered Missouri voters, as determined by the secretary of state, that the candidate's name be placed on the ballot of the specified established political party for the presidential preference primary. The request to be included on the presidential primary ballot shall include each signer's printed name, registered address and signature and shall be in substantially the following form:

I (We) the undersigned, do hereby request that the name of ..... be placed upon the [March] **February** ....., ....., presidential primary ballot as candidate for nomination as the nominee for President of the United States on the ..... party ticket.

2. The state or national party organization of an established political party that adopts rules imposing signature requirements to be met before a candidate can be listed as an official candidate shall notify the secretary of state by October first of the year preceding the presidential primary.

3. Any candidate or such candidate's authorized representative may have such candidate's name stricken from the presidential primary ballot by filing with the secretary of state on or before 5:00 p.m. on the eleventh Tuesday prior to the presidential primary election a written statement, sworn to before an officer authorized by law to administer oaths, requesting that such candidate's name not be printed on the official primary ballot. Thereafter, the secretary of state shall not include the name of that candidate in the official list announced pursuant to section 115.758 or in the certified list of candidates transmitted pursuant to section 115.765.

4. The filing times set out in this section shall only apply to presidential preference primaries, and are in lieu of those established in section 115.349.

**115.801. YOUTH VOTING PROGRAMS, GRANT, LOAN, OR OTHER AID PROGRAM TO BE ADMINISTERED — GRANT PROGRAM TO IMPROVE FEDERAL ELECTION PROCESS — RULEMAKING AUTHORITY.** — 1. Subject to appropriation from federal funds, the secretary of state shall administer a grant, **loan, or other aid** program [annually] for the purpose of involving youth in youth voting programs. The secretary of state may promulgate rules to effectuate the provisions of this subsection.

2. The secretary of state shall administer a grant, **loan, or other aid** program for the purpose of allowing election authorities to receive grants from the federal government for the purpose of improving the election process in federal elections. The secretary of state may promulgate rules to effectuate the provisions of this subsection.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This subsection and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

**116.025. ATTORNEY GENERAL SENT FAIR BALLOT LANGUAGE, WHEN — STATEMENT POSTED AT POLLING PLACE.** — The secretary of state within twenty days of receiving a statewide ballot measure shall prepare and transmit to the attorney general fair ballot language statements that fairly and accurately explain what a vote for and what a vote against the measure represent. Each statement shall be posted in each polling place next to the sample ballot. Such fair ballot language statements shall be true and impartial statements of the effect of a vote for and against the measure in language neither intentionally argumentative nor likely to create prejudice for or against the proposed measure. In addition, such fair ballot language shall include a statement as to whether the measure will increase, decrease, or have no impact on taxes, including the specific category of tax. Such fair ballot language statements may be challenged in accordance with section

**116.190. The attorney general shall within ten days approve the legal content and form of the proposed statements.**

**116.175. FISCAL IMPACT OF PROPOSED MEASURE — FISCAL NOTE, FISCAL NOTE SUMMARY, REQUIREMENTS — RETURN OF FISCAL NOTE FOR REVISION, WHEN.** — 1. Except as provided in section 116.155, upon receipt from the secretary of state's office of any petition sample sheet, joint resolution or bill, the auditor shall assess the fiscal impact of the proposed measure. The state auditor may consult with the state departments, local government entities, the general assembly and others with knowledge pertinent to the cost of the proposal. Proponents or opponents of any proposed measure may submit to the state auditor a proposed statement of fiscal impact estimating the cost of the proposal in a manner consistent with the standards of the governmental accounting standards board and section 23.140, RSMo, provided that all such proposals are received by the state auditor within ten days of his or her receipt of the proposed measure from the secretary of state.

2. Within twenty days of receipt of a petition sample sheet, joint resolution or bill from the secretary of state, the state auditor shall prepare a fiscal note and a fiscal note summary for the proposed measure and forward both to the attorney general.

3. The fiscal note and fiscal note summary shall state the measure's estimated cost or savings, if any, to state or local governmental entities. The fiscal note summary shall contain no more than fifty words, excluding articles, which shall summarize the fiscal note in language neither argumentative nor likely to create prejudice either for or against the proposed measure.

4. The attorney general shall, within ten days of receipt of the fiscal note and the fiscal note summary, approve the legal content and form of the fiscal note summary prepared by the state auditor and shall forward notice of such approval to the state auditor.

**5. If the attorney general or the circuit court of Cole County determines that the fiscal note or the fiscal note summary do not satisfy the requirements of this section, the fiscal note and the fiscal note summary shall be returned to the auditor for revision. A fiscal note or fiscal note summary that does not satisfy the requirements of this section also shall not satisfy the requirements of section 116.180.**

**116.190. BALLOT TITLE MAY BE CHALLENGED, PROCEDURE — WHO ARE PARTIES DEFENDANT — CHANGES MAY BE MADE BY COURT — APPEAL TO SUPREME COURT, WHEN.** — 1. Any citizen who wishes to challenge the official ballot title or the fiscal note prepared for a proposed constitutional amendment submitted by the general assembly, by initiative petition, or by constitutional convention, or for a statutory initiative or referendum measure, may bring an action in the circuit court of Cole County. The action must be brought within ten days after the official ballot title is certified by the secretary of state in accordance with the provisions of this chapter.

2. The secretary of state shall be named as a party defendant in any action challenging the official ballot title prepared by the secretary of state. When the action challenges the fiscal note or the fiscal note summary prepared by the auditor, the state auditor shall also be named as a party defendant. The president pro tem of the senate, the speaker of the house and the sponsor of the measure and the secretary of state shall be the named party defendants in any action challenging the official summary statement, fiscal note or fiscal note summary prepared pursuant to section 116.155.

3. The petition shall state the reason or reasons why the **summary statement portion of the official ballot title** is insufficient or unfair and shall request a different **summary statement portion of the official ballot title**. **Alternatively, the petition shall state the reasons why the fiscal note or the fiscal note summary portion of the official ballot title is insufficient or unfair and shall request a different fiscal note or fiscal note summary portion of the official ballot title.**

4. The action shall be placed at the top of the civil docket. **Insofar as the action challenges the summary statement portion of the official ballot title**, the court shall consider the petition, hear arguments, and in its decision certify the **summary statement portion of the official ballot title** to the secretary of state. **Insofar as the action challenges the fiscal note or the fiscal note summary portion of the official ballot title**, the court shall consider the petition, hear arguments, and in its decision, either certify the **fiscal note or the fiscal note summary portion of the official ballot title** to the secretary of state or remand the **fiscal note or the fiscal note summary** to the auditor for preparation of a new **fiscal note or fiscal note summary pursuant to the procedures set forth in section 116.175**. Any party to the suit may appeal to the supreme court within ten days after a circuit court decision. In making the legal notice to election authorities under section 116.240, **and for the purposes of section 116.180**, the secretary of state shall certify the language which the court certifies to him.

**162.601. ELECTION OF BOARD MEMBERS, TERMS — MEMBERS APPOINTED DUE TO VACANCIES, TERMS — QUALIFICATIONS.** — 1. Elected members of the board in office on August 28, 1998, shall hold office for the length of term for which they were elected, and any members appointed pursuant to section 162.611 to fill vacancies left by elected members in office on August 28, 1998, shall serve for the remainder of the term to which the replaced member was elected.

2. No board members shall be elected at the first municipal election in an odd-numbered year next following August 28, 1998.

3. Three board members shall be elected at the second municipal election in an odd-numbered year next following August 28, 1998, to serve four-year terms.

4. Four board members shall be elected at the third municipal election in an odd-numbered year next following August 28, 1998, and two of such members shall be elected to four-year terms and two of such members shall be elected to three-year terms.

5. Beginning with the fourth municipal election in an odd-numbered year next following August 28, 1998, and at each succeeding municipal election in a year during which board member terms expire, there shall be elected members of the board of education, who shall assume the duties of their office at the first regular meeting of the board of education after their election, and who shall hold office for four years, and until their successors are elected and qualified.

6. Members of the board of directors shall be elected to represent seven subdistricts. The subdistricts shall be established by the state board of education to be compact, contiguous and as nearly equal in population as practicable. The subdistricts shall be revised by the state board of education after each decennial census and at any other time the state board determines that the district's demographics have changed sufficiently to warrant redistricting.

7. A member shall reside in and be elected in the subdistrict which the member is elected to represent. Subdistrict 1 shall be comprised of wards 1, 2, 22 and 27. Subdistrict 2 shall be comprised of wards 3, 4, 5 and 21. Subdistrict 3 shall be comprised of wards 18, 19, 20 and 26. Subdistrict 4 shall be comprised of wards 6, 7, 17 and 28. Subdistrict 5 shall be comprised of wards 9, 10, 11 and 12. Subdistrict 6 shall be comprised of wards 13, 14, 16 and 25. Subdistrict 7 shall be comprised of wards 8, 15, 23 and 24.

[8. No one may run for school board who is employed by the school district or who is related to an employee of the school district within the second degree of affinity or consanguinity.]

**247.170. DETACHMENT OF PART OF DISTRICT INCLUDED IN CITY — CONDITIONS — PROCEDURE — ELECTION.** — 1. Whenever any city owning a waterworks or water supply system extends its corporate limits to include any part of the area in a public water supply district, and the city and the board of directors of the district are unable to agree upon a service, lease or sale agreement, or are unable to proceed under section 247.160, then upon the expiration of

ninety days after the effective date of the extension of the city limits, that part of the area of the district included within the corporate limits of the city may be detached and excluded from the district in the following manner:

(1) A petition to detach and exclude that part of the public water supply district lying within the corporate limits of the city as such limits have been extended, signed by not less than [twenty-five voters within the water supply district] **five percent of the registered voters who are patrons of the water supply district, or twenty registered voters that are patrons of each subdistrict, whichever is less**, shall be filed in the circuit court of the county in which the district was originally organized.

(2) The court, being satisfied as to the sufficiency of the petition, shall call a special election of the voters of the district at which election the proposal to detach and exclude the part of the district lying within the corporate limits of the city shall be submitted to the voters in the entire district for a vote thereon. The election shall be conducted within the district by the election authority.

(3) The ballot shall briefly state the question to be voted on.

(4) In order to approve the detachment and exclusion of any part of the area in a public water supply district, the proposal shall require the approval of not less than a majority of the voters voting thereon.

(5) The election authorities shall thereafter promptly certify the result to the circuit court. The court, acting as a court of equity, shall thereupon without delay enter a decree detaching and excluding the area in question located within the corporate limits of the city from the public water supply district; except that before the decree detaching and excluding the area becomes final or effective, the city shall show to the court that it has assumed and agreed to pay in lump sum or in installments not less than that proportion of the sum of all existing liquidated general obligations and of all unpaid revenue bonds and interest thereon to date, of the water supply district as the assessed valuation of the real and tangible personal property within the area sought to be detached and excluded bears to the assessed valuation of all of the real and tangible personal property within the entire area of the district, according to the official county assessment of property as of December thirty-first of the calendar year next preceding the date of the election, and in addition thereto that the city has assumed and agreed to assume or pay in a lump sum all contractual obligations of the water district that are greater than twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets or obligations for the purchase of water, and to pay the court costs.

(6) The decree shall thereupon vest in the city the absolute title, free and clear of all liens or encumbrances of every kind and character, to all tangible real and personal property of the public water supply district located within the part of the district situated within the corporate limits of the city with full power in the city to use and dispose of the tangible real and personal property as it deems best in the public interest.

(7) If the proposal fails to receive the approval of the voters the question may be again presented by another petition and again voted on, but not sooner than six months.

(8) Any and all sums paid out by the city under this section, other than the costs of the election, shall be administered by the circuit court for the benefit of the holders of the then existing and outstanding bonds of the district, and the remainder of such sums, if any, shall be delivered to the district to be expended in the operation, maintenance and improvement of its water distribution system.

2. Upon the effective date of any final order detaching and excluding any part of the area of any public water supply district, or leasing, selling or conveying any of the water mains, plant or equipment therein, the circuit court may, in the public interest, change the boundaries of the public water supply district and again divide or redivide the district into subdistricts for the election of directors in conformity with the provisions of section 247.040, without further petition being filed with the court so to do.

**321.120. ELECTION BEFORE DECREE BECOMES CONCLUSIVE — DECREE TO DETERMINE NUMBER OF DIRECTORS — BALLOT FORM — SUCCESSOR DIRECTORS, TERMS — MAY INCREASE NUMBER OF DIRECTORS, EXCEPTION — BALLOT, FORM — TERMS. — 1.** The decree of incorporation shall not become final and conclusive until it has been submitted to an election of the voters residing within the boundaries described in such decree, and until it has been assented to by a majority vote of the voters of the district voting on the question. The decree shall also provide for the holding of the election to vote on the proposition of incorporating the district, and to select three or five persons to act as the first board of directors, and shall fix the date for holding the election.

2. The question shall be submitted in substantially the following form:

Shall there be incorporated a fire protection district?

☐ YES ☐ NO

3. The proposition of electing the first board of directors or the election of subsequent directors may be submitted on a separate ballot or on the same ballot which contains any other proposition of the fire protection district. The ballot to be used for the election of a director or directors shall be substantially in the following form:

**OFFICIAL BALLOT**

Instruction to voters:

Place a cross (X) mark in the square opposite the name of the candidate or candidates you favor. (Here state the number of directors to be elected and their term of office.)

**ELECTION**

(Here insert name of district.) Fire Protection District. (Here insert date of election.)

FOR BOARD OF DIRECTORS ..... ☐ ..... ☐ ..... ☐

4. If a majority of the voters voting on the proposition or propositions voted in favor of the proposition to incorporate the district, then the court shall enter its further order declaring the decree of incorporation to be final and conclusive. In the event, however, that the court finds that a majority of the voters voting thereon voted against the proposition to incorporate the district, then the court shall enter its further order declaring the decree of incorporation to be void and of no effect. If the court enters an order declaring the decree of incorporation to be final and conclusive, it shall at the same time designate the first board of directors of the district who have been elected by the voters voting thereon. If a board of three members is elected, the person receiving the third highest number of votes shall hold office for a term of two years, the person receiving the second highest number of votes shall hold office for a term of four years, and the person receiving the highest number of votes shall hold office for a term of six years from the date of the election of the first board of directors and until their successors are duly elected and qualified. If a board of five members is elected, the person who received the highest number of votes shall hold office for a term of six years, the persons who received the second and third highest numbers of votes shall hold office for terms of four years and the persons who received the fourth and fifth highest numbers of votes shall hold office for terms of two years and until their successors are duly elected and qualified. Thereafter, members of the board shall be elected to serve terms of six years and until their successors are duly elected and qualified. The court shall at the same time enter an order of record declaring the result of the election on the proposition, if any, to incur bonded indebtedness.

5. Notwithstanding the provisions of subsections 1 to 4 of this section to the contrary, upon a motion by the board of directors in districts where there are three-member boards, and upon approval by the voters in the district, the number of directors may be increased to five, except that in any county of the first classification with a population of more than nine hundred thousand inhabitants such increase in the number of directors shall apply only in the event of a consolidation of existing districts. The ballot to be used for the approval of the voters to increase the number of members on the board of directors of the fire protection district shall be substantially in the following form:

Shall the number of members of the board of directors of the ..... (Insert name of district) Fire Protection District be increased to five members?

☐ YES

☐ NO

If a majority of the voters voting on the proposition vote in favor of the proposition then at the next election of board members after the voters vote to increase the number of directors, the voters shall select two persons to act in addition to the existing three directors as the board of directors. The court which entered the order declaring the decree of incorporation to be final shall designate the additional board of directors who have been elected by the voters voting thereon as follows: the one receiving the second highest number of votes to hold office for a term of [three] **four** years, and the one receiving the highest number of votes to hold office for a term of six years from the date of the election of such additional board of directors and until their successors are duly elected and qualified. Thereafter, members of the board shall be elected to serve terms of six years and until their successors are duly elected and qualified.

6. Members of the board of directors in office on the date of an election pursuant to subsection 5 of this section to elect additional members to the board of directors shall serve the term to which they were elected or appointed and until their successors are elected and qualified.

**SECTION B. EMERGENCY CLAUSE.** — Because of the necessity to receive federal funds pursuant to the Help America Vote Act of 2002, the enactment of section 115.078 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 115.078 of this act shall be in full force and effect upon its passage and approval.

Approved July 11, 2003

## HB 512 [SCS HB 512]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### **Revises warehouse and self-service storage facilities.**

AN ACT to repeal sections 415.405, 415.410, 415.415, and 415.420, RSMo, and to enact in lieu thereof four new sections relating to warehouse and self-service storage facilities.

#### SECTION

- A. Enacting clause.
- 415.405. Definitions.
- 415.410. Leased space not to be used as residence — operator may enter space, when — occupant to furnish operator certain information.
- 415.415. Lien on stored property, when, notice regarding, priority of, how enforced and satisfied — sale of property, procedure, duties of operator, distribution of proceeds — redemption by occupant, when.
- 415.420. Purchaser in good faith, not subject to certain liens — operator, limited liability, right to deny occupant access, when — notices, how and where sent.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 415.405, 415.410, 415.415, and 415.420, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 415.405, 415.410, 415.415, and 415.420, to read as follows:

**415.405. DEFINITIONS.** — As used in sections 415.400 to 415.430, the following terms shall mean:

(1) "Default", the failure to perform on time any obligation or duty set forth in a rental agreement;

(2) "Last known address", that address provided by the occupant in the rental agreement or the address provided by the occupant in a subsequent written notice of a change of address;

(3) "Leased space", the individual storage space at the self-service facility which is rented to an occupant pursuant to a rental agreement;

(4) **"No commercial value", any property offered for sale in a commercially reasonable manner that receives no bid or offer;**

[(4)] (5) "Occupant", a person, lessee, sublessee, successor or assignee entitled to the use of a leased space at a self-service storage facility under a rental agreement;

[(5)] (6) "Operator", the owner, operator, lessor or sublessor of a self-service storage facility, or an agent or any other person authorized to manage the facility; except that, the term "operator" does not include a warehouseman, unless the operator issues a warehouse receipt, bill of lading, or other document of title for the personal property stored;

[(6)] (7) "Personal property", movable property which is not affixed to land, including, but not limited to, goods, wares, merchandise, motor vehicles, watercraft, household items, and furnishings;

(8) **"Private sale", an unadvertised sale negotiated and concluded directly between the buyer and seller;**

(9) **"Public sale", a sale made after public notice;**

[(7)] (10) "Rental agreement", any written contract or agreement that establishes or modifies the terms, conditions or rules concerning the use and occupancy of a self-service storage facility, which is signed by the occupant and the operator;

[(8)] (11) "Self-service storage facility", any real property used for renting or leasing individual storage spaces in which the occupants themselves customarily store and remove their own personal property on a self-service basis.

**415.410. LEASED SPACE NOT TO BE USED AS RESIDENCE — OPERATOR MAY ENTER SPACE, WHEN — OCCUPANT TO FURNISH OPERATOR CERTAIN INFORMATION.** — 1. An operator may not knowingly permit a leased space at a self-service storage facility to be used for residential purposes. An occupant may not use a leased space for residential purposes.

2. An operator may enter leased space at all times which are reasonably necessary to insure the protection and preservation of the self-service storage facility or any personal property stored therein.

3. Prior to placing any personal property into his **or her** leased space, each occupant shall deliver a written statement to the operator of such leased space containing the name and address of each person having a valid lien against such personal property.

4. The lessee shall be informed in writing that the lessor either does or does not have [liability] **casualty insurance on the lessee's property.**

**415.415. LIEN ON STORED PROPERTY, WHEN, NOTICE REGARDING, PRIORITY OF, HOW ENFORCED AND SATISFIED — SALE OF PROPERTY, PROCEDURE, DUTIES OF OPERATOR, DISTRIBUTION OF PROCEEDS — REDEMPTION BY OCCUPANT, WHEN.** — 1. The operator of a self-service storage facility has a lien on all personal property stored within each leased space for rent, labor, or other charges, and for expenses reasonably incurred in sale of such personal property, as provided in sections 415.400 to 415.430. The lien established by this subsection shall have priority over all other liens except those liens that have been perfected and recorded, on personal property. The rental agreement shall contain a statement, in bold type, advising the occupant of the existence of such lien and that property stored in the leased space may be sold to satisfy such lien if the occupant is in default, and that any proceeds from the sale of the

property which remain after satisfaction of the lien will be paid to the state treasurer if unclaimed by the occupant within one year after the sale of the property.

2. If the occupant is in default for a period of more than thirty days, the operator may enforce the lien granted in subsection 1 of this section and sell the property stored in the leased space for cash. Sale of the property stored on the premises may be done at a public or private sale, may be done as a unit or in parcels, or may be by way of one or more contracts, and may be at any time or place and on any terms as long as the sale is done in a commercially reasonable manner in accordance with the provisions of section [400.9-507] **400.9-627**, RSMo. The operator may otherwise dispose of any property which has no commercial value.

3. The proceeds of any sale made under this subsection shall be applied to satisfy the lien, with any surplus being held for delivery on demand to the occupant or any other lienholders which the operator knows of or which are contained in the statement filed by the occupant pursuant to subsection 3 of section 415.410 for a period of one year after receipt of proceeds of the sale and satisfaction of the lien. No proceeds shall be paid to an occupant until such occupant files a sworn affidavit with the operator stating that there are no other valid liens outstanding against the property sold and that he **or she**, the occupant, shall indemnify the operator for any damages incurred or moneys paid by the operator due to claims arising from other lienholders of the property sold. After the one-year period set in this subsection, any proceeds remaining after satisfaction of the lien shall be considered abandoned property to be reported and paid to the state treasurer in accordance with laws pertaining to the disposition of unclaimed property.

4. Before conducting a sale under subsection 2 of this section, the operator shall:

(1) At least forty-five days before any disposition of property under this section, **which shall run concurrently with subsection 2 of this section**, notify the occupant and each lienholder [which the operator knows of or] which is contained in any statement filed by the occupant pursuant to subsection 3 of section 415.410 of the default by first-class mail at the occupant's or lienholder's last known address;

(2) No later than ten days after mailing the notice required in subdivision (1) of this subsection, mail a second notice of default, by registered or certified mail, to the occupant at the occupant's or lienholder's last known address, which notice shall include:

(a) A statement that the contents of the occupant's leased space are subject to the operator's lien;

(b) A statement of the operator's claim, indicating the charges due on the date of the notice, the amount of any additional charges which shall become due before the date of release for sale and the date those additional charges shall become due;

(c) A demand for payment of the charges due within a specified time, not less than ten days after the date on which the second notice was mailed;

(d) A statement that unless the claim is paid within the time stated, the contents of the occupant's space will be sold after a specified time; and

(e) The name, street address and telephone number of the operator, or a designated agent whom the occupant may contact, to respond to the notice;

(3) At least seven days before the sale, advertise the time, place and terms of the sale in a newspaper of general circulation in the jurisdiction where the sale is to be held. Such advertisement shall be in the classified section of the newspaper and shall state that the items will be released for sale.

5. At any time before a sale under this section, the occupant may pay the amount necessary to satisfy the lien and redeem the occupant's personal property.

**415.420. PURCHASER IN GOOD FAITH, NOT SUBJECT TO CERTAIN LIENS — OPERATOR, LIMITED LIABILITY, RIGHT TO DENY OCCUPANT ACCESS, WHEN — NOTICES, HOW AND WHERE SENT.** — 1. A purchaser in good faith of any personal property sold under sections

415.400 to 415.430 takes the property free and clear of any rights of any persons against whom the lien was valid and other lienholders.

2. If the operator complies with the provisions of sections 415.400 to 415.430, the operator's liability to the occupant shall be limited to the net proceeds received from the sale of the personal property, and to other lienholders shall be limited to the net proceeds received from the sale of any personal property covered by the other lien.

3. If an occupant is in default, [once the operator has given the occupant notice under subdivision (1) of subsection 4 of section 415.415,] the operator may deny the occupant access to the leased space.

4. Unless otherwise specifically provided in sections 415.400 to 415.430, all notices required by sections 415.400 to 415.430 shall be sent by registered or certified mail. Notices sent to the operator shall be sent to the self-service storage facility where the occupant's property is stored. Notices to the occupant shall be sent to the occupant at the occupant's last known address. Notices shall be deemed delivered when deposited with the United States postal service, properly addressed as provided in subsection 4 of section 415.415, with postage prepaid.

Approved July 1, 2003

## HB 521 [SCS HB 521]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

### **Authorizes gifts or other grants to be made to the Missouri Fire Education Trust Fund.**

AN ACT to repeal section 320.094, RSMo, and to enact in lieu thereof one new section relating to the Missouri Fire Education Trust Fund.

#### SECTION

A. Enacting clause.

320.094. Fire education fund created, annual transfers — treasurer to administer fund — transfer from general revenue — fire education trust fund established, administration, board, members — distribution to fire and rescue training institute — fire education commission established, members, terms, compensation, meetings, duties.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 320.094, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 320.094, to read as follows:

**320.094. FIRE EDUCATION FUND CREATED, ANNUAL TRANSFERS — TREASURER TO ADMINISTER FUND — TRANSFER FROM GENERAL REVENUE — FIRE EDUCATION TRUST FUND ESTABLISHED, ADMINISTRATION, BOARD, MEMBERS — DISTRIBUTION TO FIRE AND RESCUE TRAINING INSTITUTE — FIRE EDUCATION COMMISSION ESTABLISHED, MEMBERS, TERMS, COMPENSATION, MEETINGS, DUTIES.** — 1. The state treasurer shall annually transfer an amount prescribed in subsection 2 of this section out of the state revenues derived from premium taxes levied on insurance companies pursuant to sections 148.310 to 148.461, RSMo, which are deposited by the director of revenue in the general revenue fund pursuant to section 148.330, RSMo, in a fund hereby created in the state treasury, to be known as the "Fire Education Fund". Any interest earned from investment of moneys in the fund, **and all moneys received from gifts, grants, or other moneys appropriated by the general assembly**, shall be credited to the

fund. The state treasurer shall administer the fund, and the moneys in such fund shall be used solely as prescribed in this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fire education fund at the end of any biennium shall not be transferred to the credit of the general revenue fund.

2. Beginning July 1, 1998, three percent of the amount of premium taxes collected in the immediately preceding fiscal year pursuant to sections 148.310 to 148.461, RSMo, which are deposited in the general revenue fund that exceeds the amount of premium taxes which were deposited in the general revenue fund in the 1997 fiscal year shall be transferred from the general revenue fund to the credit of the fire education fund. At the end of each fiscal year, the commissioner of administration shall determine the amount transferred to the credit of the fire education fund in each fiscal year by computing the premium taxes deposited in the general revenue fund in the prior fiscal year and comparing such amount to the amount of premium taxes deposited in the general revenue fund in the 1997 fiscal year. An amount equal to three percent of the increase computed pursuant to this section shall be transferred by the state treasurer to the credit of the fire education fund; however, such transfer in any fiscal year shall not exceed one million five hundred thousand dollars.

3. There is hereby established a special trust fund, to be known as the "Missouri Fire Education Trust Fund", which shall consist of all moneys transferred to the fund from the fire education fund pursuant to this subsection [and], any earnings resulting from the investment of moneys in the fund, **and all moneys received from gifts, grants, or other moneys appropriated by the general assembly**. Each fiscal year, an amount equal to forty percent of the moneys transferred to the fire education fund shall be transferred by the state treasurer to the credit of the Missouri fire education trust fund. The fund shall be administered by a board of trustees, consisting of the state treasurer, two members of the senate appointed by the president pro tem of the senate, two members of the house of representatives appointed by the speaker of the house, and two members appointed by the governor with the advice and consent of the senate. Any member appointed due to such person's membership in the senate or house of representatives shall serve only as long as such person holds the office referenced in this section. The state treasurer shall invest moneys in the fund in a manner as provided by law. Subject to appropriations, moneys in the fund shall be used solely for the purposes described in this section, but such appropriations shall be made only if the board recommends to the general assembly that such moneys are needed in that fiscal year to adequately fund the activities described in this section. Moneys shall accumulate in the trust fund until the earnings from investment of moneys in the fund can adequately support the activities described in this section, as determined by the board. At such time, the board may recommend that the general assembly adjust or eliminate the funding mechanism described in this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the Missouri fire education trust fund at the end of any biennium shall not be transferred to the credit of the general revenue fund.

4. The moneys in the fire education fund, after any distribution pursuant to subsection 3 of this section, shall be distributed to the University of Missouri Fire & Rescue Training Institute and the institute shall use the moneys received under this subsection to coordinate education needs in cooperation with community colleges, colleges, regional training facilities, and universities of this state and shall provide training and continuing education to firefighters in this state relating to fire department operations and the personal safety of firefighters while performing fire department activities. Programs and activities funded under this subsection must be approved by the Missouri fire education commission established in subsection 5 of this section. These funds shall primarily be used to provide field education throughout the state, with not more than two percent of funds under this subsection expended on administrative costs.

5. There is established the "Missouri Fire Education Commission", to be domiciled in the division of fire safety within the department of public safety. The commission shall be composed of five members appointed by the governor with the advice and consent of the senate, consisting of one firefighter serving as a volunteer of a volunteer fire protection association, one

full-time firefighter employed by a recognized fire department or fire protection district, one firefighter training officer, one person serving as the chief of a volunteer fire protection association, and one chief fire officer from a recognized fire department or fire protection district. No more than three members appointed by the governor shall be of the same political party. The terms of office for the members appointed by the governor shall be four years and until their successors are selected and qualified, except that, of those first appointed, two shall have a term of four years, two shall have a term of three years and one shall have a term of two years. There is no limitation on the number of terms an appointed member may serve. The governor may appoint a member for the remaining portion of the unexpired term created by a vacancy. The governor may remove any appointed member for cause. The members shall at their initial meeting select a [chairman] **chair**. All members of the commission shall serve without compensation for their duties, but shall be reimbursed for necessary travel and other expenses incurred in the performance of their official duties. The commission shall meet at least quarterly at the call of the [chairman] **chair** and shall review and determine appropriate programs and activities for which funds may be expended under subsection 4 of this section.

Approved June 26, 2003

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## HB 523 [HB 523]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Revises gaming licensing requirements concerning criminal history checks.**

AN ACT to repeal sections 313.057 and 313.810, RSMo, and to enact in lieu thereof two new sections relating to licensing requirements, with penalty provisions.

### SECTION

- A. Enacting clause.
- 313.057. Suppliers license required, background checks required, exceptions to licensure, qualifications, fee — records — pull-tab cards, tax on — restrictions on use — failure to pay tax, penalty.
- 313.810. Application, contents, fingerprints submission — investigation, commission may conduct — false information on application, penalty.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 313.057 and 313.810, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 313.057 and 313.810, to read as follows:

**313.057. SUPPLIERS LICENSE REQUIRED, BACKGROUND CHECKS REQUIRED, EXCEPTIONS TO LICENSURE, QUALIFICATIONS, FEE — RECORDS — PULL-TAB CARDS, TAX ON — RESTRICTIONS ON USE — FAILURE TO PAY TAX, PENALTY.** — 1. It is unlawful for any person, either as an owner, lessee or employee, to operate, carry on, conduct or maintain any form of manufacturing, selling, leasing or distribution of any bingo equipment or supplies without having first procured and maintained a Missouri bingo equipment and supplies manufacturer or supplier license.

2. The commission shall submit two sets of fingerprints for each key person, as defined in commission rules and regulations, of an entity or organization seeking issuance or renewal of a Missouri bingo equipment and supplies manufacturer or supplier license, for the purpose of checking the person's prior criminal history when the commission

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determines a nationwide check is warranted. The fingerprint cards and any required fees shall be sent to the Missouri state highway patrol's criminal records division. The first set of fingerprints shall be used for searching the state repository of criminal history information. The second set of fingerprints shall be forwarded to the Federal Bureau of Investigation, Identification Division, for the searching of the federal criminal history files. The patrol shall notify the commission of any criminal history information or lack of criminal history information discovered on the individual. Notwithstanding the provisions of section 610.120, RSMo, all records related to any criminal history information discovered shall be accessible and available to the commission.

[2.] 3. The holder of a state bingo license may, within two years of cessation of conducting bingo or upon specific approval by the commission, dispose of by sale in a manner approved by the commission, any or all of his bingo equipment and supplies, without a supplier's license. In case of foreclosure of a lien by a bank or other person holding a security interest for which bingo equipment is security in whole or in part for the lien, the commission may authorize the disposition of the bingo equipment without requiring a supplier's license.

[3.] 4. Any person whom the commission determines to be a suitable person to receive a license [under] **pursuant to** the provisions of this section may be issued a manufacturer's or supplier's license. The commission may require suppliers to post a bond with the commission in an amount and in the manner prescribed by the commission. The burden of proving his qualification to receive or hold a license [under] **pursuant to** this section is at all times on the applicant or licensee.

[4.] 5. The commission shall charge and collect from each applicant for a supplier's license a one-time application fee set by the commission, not to exceed five thousand dollars. The commission shall charge and collect an annual renewal fee for each supplier licensee not to exceed one thousand dollars.

[5.] 6. The commission shall charge and collect from each applicant for a manufacturer's license a one-time application fee set by the commission, not to exceed one thousand dollars. The commission shall charge and collect an annual renewal fee for each manufacturer licensee not to exceed five hundred dollars.

[6.] 7. The commission shall charge and collect from each applicant for a hall provider's license a one-time application fee set by the commission, not to exceed seven hundred fifty dollars. The commission shall charge and collect an annual renewal fee for each hall provider licensee not to exceed five hundred dollars.

[7.] 8. All licenses issued [under] **pursuant to** this section shall be issued for the calendar year and shall expire on December thirty-first of each year. Regardless of the date of application or issuance of the license, the fee to be charged and collected [under] **pursuant to** this section shall be the full annual fee.

[8.] 9. All license fees collected pursuant to this section shall be paid over immediately to the state treasurer to be deposited to the credit of the gaming commission bingo fund.

[9.] 10. All licensees [under] **pursuant to** this section shall maintain for a period of not less than three years full and complete records of all business carried on in this state and shall make same available for inspection to any duly authorized representative of the commission. If a supplier does not receive payment in full from an organization within thirty days of the delivery of bingo supplies, the supplier shall notify the commission in writing, or in a manner specified by the commission in its rules and regulations, of the delinquency. Upon receipt of the notice of delinquency, the commission shall notify all suppliers that until further notice from the commission, all sales of bingo supplies to the delinquent organizations shall be on a cash-only basis. Upon receipt of the notice from the commission, no supplier may extend credit to the delinquent organization until such time as the commission approves credit sales. If a manufacturer does not receive payment in full from a supplier within ninety days of the delivery of bingo supplies, the manufacturer shall notify the commission in writing, or in a manner specified by the commission in its rules and regulations, of the delinquency. Upon receipt of the

notice of delinquency, the commission shall notify all manufacturers that until further notice from the commission, all sales of bingo supplies to the delinquent supplier shall be on a cash-only basis. Upon receipt of the notice from the commission, no manufacturer may extend credit to the delinquent supplier until such time as the commission approves credit sales.

[10.] **11.** Until January 1, 1995, all suppliers shall pay a tax on all pull-tab cards distributed by them in the amount of ten dollars per box when sold by any organization licensed to conduct bingo [under] **pursuant to** the provisions of sections 313.005 to 313.080. No box sold shall contain more than twenty-four hundred pull-tab cards. Beginning January 1, 1995, a tax is hereby imposed in the amount of two percent of the gross receipts of the retail sales value charged for each pull-tab card sold in Missouri to be paid by the supplier. The taxes, less two percent of the total amount paid which may be retained by the supplier, if timely filed and paid, shall be paid on a monthly basis to the commission by each supplier of pull-tabs and shall be due on the last day of each month following the month in which the pull-tabs were sold. The taxes shall be deposited in the state treasury, credited to the bingo proceeds for education fund. All pull-tab cards sold by suppliers in this state shall bear on the face thereof the amount for which such pull-tab cards will be sold, and the license number of the supplier shall be printed on the inventory statement commonly called the flare, enclosed in each unit container. Each unit container shall contain cards printed in such a manner as to ensure that at least sixty percent of the gross revenues generated by the ultimate sale of such cards shall be returned to the final purchasers of such cards. Any supplier who fails to pay the tax imposed [under] **pursuant to** this subsection shall have his license issued [under] **pursuant to** this section revoked and shall be guilty of a class A misdemeanor.

**313.810. APPLICATION, CONTENTS, FINGERPRINTS SUBMISSION — INVESTIGATION, COMMISSION MAY CONDUCT — FALSE INFORMATION ON APPLICATION, PENALTY. — 1.** A person shall not be issued a license to conduct gambling games on an excursion gambling boat or a license to operate an excursion gambling boat, an occupational license, or a supplier license unless the person has completed and signed an application on the form prescribed and published by the commission. The application shall include the full name, residence, date of birth and other personal identifying information as the commission deems necessary, including but not limited to, the information specified in section 313.847. The application shall also indicate whether the applicant has [either] **any** of the following:

- (1) A record of conviction of a felony; or
- (2) A current addiction to a controlled substance.

2. [An applicant for a license shall submit pictures and fingerprints to the commission in the manner prescribed on the application forms.] **The commission shall submit two sets of fingerprints for any person seeking employment with the commission or any person who is seeking the issuance or renewal of a license issued by the commission, for the purpose of checking the person's prior criminal history when the commission determines a nationwide check is warranted. The fingerprint cards and any required fees shall be sent to the Missouri state highway patrol's criminal records division. The first set of fingerprints shall be used for searching the state repository of criminal history information. The second set of fingerprints shall be forwarded to the Federal Bureau of Investigation, Identification Division, for the searching of the federal criminal history files. The patrol shall notify the commission of any criminal history information or lack of criminal history information discovered on the individual. Notwithstanding the provisions of section 610.120, RSMo, all records related to any criminal history information discovered shall be accessible and available to the commission.**

3. It is the burden of the applicant to show by clear and convincing evidence his suitability as to character, experience and other factors as may be deemed appropriate by the commission.

4. Before a license is granted, the commission shall conduct a thorough investigation of the applicant for a license to operate a gambling game operation on an excursion gambling boat. The applicant shall provide information on a form as required by the commission.

5. A person who knowingly makes a false statement on an application is guilty of a class A misdemeanor and shall not ever again be considered for application by the commission.

6. The licensee shall permit the commission or commission employees designated to inspect the licensee or holder's person, personal property, excursion gambling boat and effects at any time.

Approved July 3, 2003

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## HB 552 [SCS HB 552]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Allows law library funds collected in Butler and Ripley counties to be used for courtroom renovation and technology enhancement.**

AN ACT to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to law library funds.

### SECTION

- A. Enacting clause.  
488.429. Fund paid to treasurer designated by circuit judge — use of fund for law library, and courtroom renovation and technology enhancement in certain counties

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 488.429, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 488.429, to read as follows:

**488.429. FUND PAID TO TREASURER DESIGNATED BY CIRCUIT JUDGE — USE OF FUND FOR LAW LIBRARY, AND COURTROOM RENOVATION AND TECHNOLOGY ENHANCEMENT IN CERTAIN COUNTIES** — 1. Moneys collected pursuant to section 488.426 shall be payable to the judges of the circuit court, en banc, of the county from which such surcharges were collected, or to such person as is designated by local circuit court rule as treasurer of said fund, and said fund shall be applied and expended under the direction and order of the judges of the circuit court, en banc, of any such county for the maintenance and upkeep of the law library maintained by the bar association in any such county, or such other law library in any such county as may be designated by the judges of the circuit court, en banc, of any such county; provided, that the judges of the circuit court, en banc, of any such county, and the officers of all courts of record of any such county, shall be entitled at all reasonable times to use the library to the support of which said funds are applied.

2. In any county of the first classification without a charter form of government and with a population of at least two hundred thousand, such fund may also be applied and expended for that county's or circuit's family services and justice fund.

**3. In any county of the third classification without a township form of government and with more than forty thousand eight hundred but less than forty thousand nine hundred inhabitants, in any county of the third classification without a township form of government and with more than forty thousand four hundred but less than forty**

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thousand five hundred inhabitants, in any county of the third classification without a township form of government and with more than thirteen thousand four hundred but less than thirteen thousand five hundred inhabitants, in any county of the third classification without a township form of government and with more than thirteen thousand five hundred but less than thirteen thousand six hundred inhabitants, in any county of the third classification without a township form of government and with more than twenty-three thousand two hundred fifty but less than twenty-three thousand three hundred fifty inhabitants, in any county of the third classification without a township form of government and with more than eleven thousand seven hundred fifty but less than eleven thousand eight hundred fifty inhabitants, in any county of the third classification without a township form of government and with more than thirty-seven thousand two hundred but less than thirty-seven thousand three hundred inhabitants, in any county of the fourth classification with more than fifty-five thousand six hundred but less than fifty-five thousand seven hundred inhabitants, or in any county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants, such fund may also be applied and expended for courtroom renovation and technology enhancement in those counties.

Approved June 26, 2003

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#### HB 553 [HB 553]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Allows political subdivisions to provide health insurance benefits to retired officers and their dependents and the dependents of deceased officers of the political subdivisions.**

AN ACT to repeal section 67.210, RSMo, and to enact in lieu thereof one new section relating to health insurance benefits for officers and employees of political subdivisions.

#### SECTION

A. Enacting clause.

67.210. Political subdivisions may provide health insurance benefits when, to whom.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 67.210, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.210, to read as follows:

**67.210. POLITICAL SUBDIVISIONS MAY PROVIDE HEALTH INSURANCE BENEFITS WHEN, TO WHOM.** — Any political subdivision which provides or pays for health insurance benefits for its officers and employees may also provide or pay for all or part of such benefits, as may be determined by the governing body of the political subdivision, for the dependents of its officers and employees, and for retired **officers and** employees and their dependents and the dependents of deceased **officers and** employees of the political subdivision.

Approved July 1, 2003

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## HB 554 [HCS HB 554]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Creates inclement weather exceptions for mandatory school attendance requirements.**

AN ACT to repeal section 171.033, RSMo, and to enact in lieu thereof one new section relating to inclement weather exceptions for mandatory days of school attendance, with an emergency clause.

**SECTION**

- A. Enacting clause.
- 171.033. Make-up of days lost or canceled — exemption, when — waiver for schools in session twelve months of year, granted when.
- B. Emergency clause.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 171.033, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 171.033, to read as follows:

**171.033. MAKE-UP OF DAYS LOST OR CANCELED — EXEMPTION, WHEN — WAIVER FOR SCHOOLS IN SESSION TWELVE MONTHS OF YEAR, GRANTED WHEN.** — 1. Except as provided in subsections 3 and 4 of this section, no school district shall be exempt from any requirement to make up any days of school lost or canceled due to inclement weather, unless that school district schedules at least two-thirds as many make-up days for a school year as were lost in the previous school year, which days shall be in addition to the school calendar days required for a school term by section 171.031.

2. If, after using the make-up days referred to in subsection 1, a district does not meet the requirement for a term of one hundred seventy-four days of actual pupil attendance, it shall be required to make up no more than eight additional days of school lost or canceled due to inclement weather and half the number of days lost or canceled in excess of eight days.

3. In the [2000-01] **2002-03** school year, a school district may be exempt from the requirement to make up days of school lost or canceled due to inclement weather occurring after November 20, [2000] **2002**, in the school district, but such reduction of the minimum number of school days shall not exceed five days when a district has missed more than seven days overall, such reduction to be taken as follows: one day for eight days missed, two days for nine days missed, three days for ten days missed, four days for eleven days missed, and five days for twelve or more days missed. The requirement for scheduling two-thirds of the missed days into the next year's calendar pursuant to subsection 1 of this section shall be waived for the [2001-02] **2003-04** school year. [A school district which held class for a full school day during the 2000-01 school year and after November 20, 2000, on a day in which at least one adjoining school district or at least one other district headquartered in the same county canceled classes due to inclement weather may report its daily attendance for such day, for the purposes of determining state school aid pursuant to section 163.031, RSMo, based upon the district's average daily attendance for the preceding school year, provided that no district may report attendance pursuant to this subsection for more than five school days during the 2000-01 school year.]

4. The commissioner of education may provide, for any school district in which schools are in session for twelve months of each calendar year that cannot meet the minimum school calendar requirement of at least one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance, upon request, a waiver to be excused from such requirement. This waiver shall be requested from the commissioner of education and may be granted if the

school was closed due to circumstances beyond school district control, including inclement weather, flooding or fire.

**SECTION B. EMERGENCY CLAUSE.** — Because immediate action is necessary to clarify potential school scheduling and funding problems, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved April 8, 2003

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HB 574 [HB 574]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Authorizes conveyances of state property in St. Louis County.**

AN ACT to authorize the conveyance of property owned by the state at the Missouri Eastern Correctional facility in the County of St. Louis to the City of Pacific.

**SECTION**

1. Conveyance of property at the Missouri Eastern Correctional facility in St. Louis County to the city of Pacific.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION 1. CONVEYANCE OF PROPERTY AT THE MISSOURI EASTERN CORRECTIONAL FACILITY IN ST. LOUIS COUNTY TO THE CITY OF PACIFIC.** — 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by the state at the Missouri Eastern Correctional facility in the County of St. Louis to the City of Pacific. The property to be conveyed is more particularly described as follows:

A tract of land in part of section 8, township 43 north, range 3 east in St. Louis County Missouri, commencing at the northeast corner of the Eureka Fire Protection District training facility as recorded in Plat Book 350 page 811 of the St. Louis County land records; thence south 33 degrees 53 minutes 14 seconds east a distance of 86.14 feet to the point of beginning of the tract herein described; thence south 38 degrees 27 minutes 08 seconds west a distance of 93.53 feet to a point; thence south 51 degrees 32 minutes 52 seconds east a distance of 80.00 feet to a point; thence north 38 degrees 27 minutes 08 seconds east a distance of 20.19 feet to a point; thence along a curve to the right having a radius of 35.00 feet, an arc length of 65.77 feet and a delta of 107 degrees 40 minutes 01 seconds to a point; thence north 33 degrees 53 minutes 14 seconds west a distance of 131.83 feet to the point of beginning containing 6,988 square feet as calculated by Marler Surveying Company Inc., in February 2003.

An easement strip being 10.0 feet in width, affecting part of the plat of the Eureka Fire Protection District training facility, being in section 8, township 43 north, range 3 east, as recorded in Plat Book 350 page 811 of the St. Louis County land records office, more particularly described as follows:

Commencing at the northeast corner of the aforesaid plat, thence south 33 degrees 53 minutes 14 seconds east a distance of 86.14 feet to a point; thence south 38 degrees 27

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minutes 08 seconds west a distance of 93.53 feet to a point; thence south 51 degrees 32 minutes 52 seconds east a distance of 80.00 feet to a point; thence north 38 degrees 27 minutes 08 seconds east 10.56 feet to the point of beginning of aforesaid easement; thence south 12 degrees 47 minutes 05 seconds east a distance of 560.24 feet to a point on the southern line of the aforesaid plat, being north 38 degrees 27 minutes 00 seconds east a distance of 26.70 feet of the southwestern corner of the aforesaid plat;

and additionally such trunk sewer line and related sewer facilities commencing in and from such tract of land, traversing said easement, and extending continuously into and within State Route Old Highway 66 (Business Loop I-44) westerly into the City limits of the City of Pacific and extending thence to and within right-of-way of the City of Pacific and terminating at Lift Station NO. 1 of the City Pacific, as such facilities were installed pursuant to a certain sewer agreement between the City of Pacific and the Missouri Department of Social Services dated October 23, 1979, as amended, and as hereinafter may be more fully described.

and such additional appurtenances or related property as may be necessary to accomplish the transfer of the described sewer facilities.

2. In conjunction with the transfer of property and sewer facilities authorized in subsection 1 of this section, the Missouri department of corrections and the Missouri department of transportation are hereby further authorized to consent to a municipal boundary adjustment to include within the jurisdictional boundaries of the City of Pacific the public property and rights-of-way described in this subsection. Notwithstanding any provision to the contrary, the jurisdictional boundary adjustment of public property authorized in this subsection may be effected by submission of a petition by each affected public agency to the city and shall be effective upon adoption of an ordinance by the city approving such boundary adjustment. The property subject to the boundary adjustment authorized by this subsection may include the Missouri Eastern Correctional Center property and all such public property and right-of-way containing the sewer facilities subject to subsection 1 of this section, and including such portions of State Route Old Highway 66 (Business Loop I-44) from the existing boundary of the City of Pacific to the eastern line of the Missouri Eastern Correctional Center property.

3. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the sale.

4. The attorney general shall approve the form of the instrument of conveyance.

Approved July 11, 2003

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## HB 575 [SCS HCS HB 575]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Adds the Ozark Foothills Child Assessment Center as a center to be funded by the Department of Social Services.**

AN ACT to repeal section 210.001, RSMo, and to enact in lieu thereof one new section relating to child assessment centers.

### SECTION

A. Enacting clause.

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210.001. Department of social services to meet needs of homeless, dependent and neglected children — only certain regional child assessment centers funded.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 210.001, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 210.001, to read as follows:

**210.001. DEPARTMENT OF SOCIAL SERVICES TO MEET NEEDS OF HOMELESS, DEPENDENT AND NEGLECTED CHILDREN — ONLY CERTAIN REGIONAL CHILD ASSESSMENT CENTERS FUNDED.** — 1. The department of social services shall address the needs of homeless, dependent and neglected children in the supervision and custody of the division of family services and to their families-in-conflict by:

(1) Serving children and families as a unit in the least restrictive setting available and in close proximity to the family home, consistent with the best interests and special needs of the child;

(2) Insuring that appropriate social services are provided to the family unit both prior to the removal of the child from the home and after family reunification;

(3) Developing and implementing preventive and early intervention social services which have demonstrated the ability to delay or reduce the need for out-of-home placements and ameliorate problems before they become chronic.

2. The department of social services shall fund only regional child assessment centers known as:

- (1) The St. Louis City child assessment center;
- (2) The St. Louis County child assessment center;
- (3) The Jackson County child assessment center;
- (4) The Buchanan County child assessment center;
- (5) The Greene County child assessment center;
- (6) The Boone County child assessment center;
- (7) The Joplin child assessment center;
- (8) The St. Charles County child assessment center;
- (9) The Jefferson County child assessment center;
- (10) The Pettis County child assessment center;
- (11) The southeast Missouri child assessment center;
- (12) The Camden County child assessment center;
- (13) The Clay-Platte County child assessment center; [and]
- (14) The Lakes Area child assessment center;
- (15) The Ozark Foothills child assessment center; and**

**(16) The North Central Missouri child assessment center; provided the other approved assessment centers included in subdivisions (1) to (14) of this subsection submit to the department of social services a modified funding formula for all approved child assessment centers, which would require no additional state funding.**

Approved June 26, 2003

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HB 597 [HB 597]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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**Removes the requirement that townships submit certain reports to the chief engineer of the Department of Transportation.**

AN ACT to repeal section 231.280, RSMo, and to enact in lieu thereof one new section relating to preparing and filing certain annual reports by certain townships.

SECTION

- A. Enacting clause.  
231.280. Clerk to make itemized statement — publication — filing of certain copies.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 231.280, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 231.280, to read as follows:

**231.280. CLERK TO MAKE ITEMIZED STATEMENT — PUBLICATION — FILING OF CERTAIN COPIES.** — The township board of directors in all counties under township organization shall keep, or cause to be kept, a full, true and correct record of all moneys received and disbursed on account of roads and bridges and all other receipts and disbursements of every nature in such township, showing in detail from whom and on what account such money was received, and to whom and for what purpose disbursed, together with a complete inventory of all tools, road machinery and other property belonging to the township, together with such other information as to the condition of roads and bridges and the needs of same as may be deemed of value, and within thirty days after the end of the fiscal year of said township board of directors, which fiscal year shall begin and end on the same date as the fiscal year of the county in which such township is located, shall cause to be published an itemized statement of such receipts and expenditures, inventory of tools, machinery and other property in some newspaper published in such township, and if there be no newspaper published in the township, then such publication may be made in any newspaper of general circulation within such township published in the county. Such statement shall be made by the township clerk under the direction of the township board, and shall be sworn to by such clerk, and it shall be the duty of the township clerk within thirty days after the end of the fiscal year of said township board to file one copy [each] of such detailed statement with the [chief engineer of the Missouri state highways and transportation commission at Jefferson City, and with the] county clerk of such county, and the county clerk shall lay the same before the county commission at its next regular meeting.

Approved June 19, 2003

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HB 599 [HB 599]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Adds \$5.00 in court costs in municipal cases in Kansas City to be used for procurement, installation, maintenance, consulting services, and upkeep of court information and records management system.**

AN ACT to amend chapter 488, RSMo, by adding thereto one new section relating to municipal court costs.

SECTION

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- A. Enacting clause.  
 488.2220. Municipal court violation of ordinances cases, additional court costs, certain cities (St. Louis).

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 488, RSMo, is amended by adding thereto one new section, to be known as section 488.2220, to read as follows:

**488.2220. MUNICIPAL COURT VIOLATION OF ORDINANCES CASES, ADDITIONAL COURT COSTS, CERTAIN CITIES (ST. LOUIS).** — **1.** In addition to all other court costs for municipal ordinance violations any home rule city with more than four hundred thousand inhabitants and located in more than one county may provide for additional court costs in an amount up to five dollars per case for each municipal ordinance violation case filed before a municipal division judge or associate circuit judge.

**2.** The judge may waive the assessment of the cost in those cases where the defendant is found by the judge to be indigent and unable to pay the costs.

**3.** Such cost shall be calculated by the clerk and disbursed to the city at least monthly. The city shall use such additional costs only for the procurement, installation, maintenance, consulting services, and upkeep of a court information and records management system.

Approved July 7, 2003

## HB 600 [CCS SS SS SCS HCS HB 600]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Makes several changes to several sections relating to taxation.**

AN ACT to repeal sections 32.057, 34.040, 67.990, 71.620, 143.124, 143.181, 143.225, 143.782, 144.025, 144.030, 144.081, 144.190, 144.250, 191.831, 196.365, 196.367, 196.370, 196.375, 196.380, 196.385, 196.390, 196.395, 196.400, 196.405, 196.415, 196.420, 196.425, 196.430, 196.435, 196.436, 196.440, 196.445, 208.565, 301.190, 302.304, 302.540, 306.016, 338.501, 338.520, 338.545, 338.550, 339.105, 351.120, 351.140, 351.484, 355.856, 356.211, 577.041, 577.049, and 577.520, RSMo, and to enact in lieu thereof forty-two new sections relating to taxation, with penalty provisions and an emergency clause.

### SECTION

- A. Enacting clause.  
 21.810. Joint committee on tax policy established, members, appointment, duties.  
 32.057. Confidentiality of tax returns and department records — exceptions — penalty for violation.  
 34.040. Purchases to be made on competitive bids, when, how — standard specifications, when — exception — failure to pay taxes, effect of.  
 67.990. Senior citizens' services fund tax, election, ballot, levy and collection of, limitation.  
 67.2030. Retail sales tax for tourism authorized, ballot language — collection and administration of the tax — repeal of sales tax, procedure (city of Weston, Platte County).  
 71.620. Imposition of tax or license fee on certain professions prohibited — imposition of tax or fee prohibited unless business office maintained.  
 136.320. Amnesty to apply to certain taxes — conditions — collection fee — rulemaking authority.  
 136.325. Amnesty to apply to certain motor vehicle and boat taxes — conditions — rulemaking authority.

- 143.124. Annuities, pensions or retirement allowances provided by state, United States, political subdivisions or any other state, Keogh plans, annuities from defined pension plans and IRAs, amounts subtracted from Missouri adjusted gross income.
- 143.181. Missouri nonresident adjusted gross income.
- 143.225. Quarter-monthly remittance, when — deemed filed on time, when — quarter-monthly defined — underpayment penalty, exceptions — electronic funds payment system authorized.
- 143.782. Definitions.
- 143.1020. Designation of state tax refund to general revenue — transfer of contributions.
- 144.025. Transactions involving trade-in or rebate, how computed — exceptions — definitions — agricultural use, allowance.
- 144.030. Exemptions from state and local sales and use taxes.
- 144.081. Quarter-monthly remittance, when — deemed filed on time, when — quarter-monthly defined — underpayment, penalty, exceptions — electronic funds payment system authorized.
- 144.190. Refund of overpayments — claim for refund — time for making claims — paid to whom — direct pay agreement for certain purchasers — special rules for error corrections — refund not allowed, when — taxes paid more than once, effect of.
- 144.250. Failure to file return or pay tax — monetary penalty, assessment — director to estimate delinquency — written notice, how served — penalties for motor vehicles doubled, when.
- 191.831. Health initiatives fund established, use — Alt-care pilot program, components — participation may be required.
- 208.565. Rebates, amount, use of.
- 301.190. Certificate of ownership — application, contents — special requirements, certain vehicles — fees — failure to obtain within time limit, delinquency penalty — duration of certificate — unlawful to operate without certificate — certain vehicles brought into state in a wrecked or damaged condition or after being towed, inspection — certain vehicles previously registered in other states, designation.
- 302.304. Notice of points — suspension or revocation of license, when, duration — reinstatement, condition, point reduction, fee — failure to maintain proof of financial responsibility, effect — point reduction prior to conviction, effect — surrender of license — reinstatement of license when drugs or alcohol involved, assignment recommendation, judicial review — fees for program — supplemental fees.
- 302.540. Reinstatement of license — completion of substance abuse traffic offender program a condition — individual assessment, judicial review — fees and cost, distribution of — treatment demonstration project may be created.
- 306.016. United States Coast Guard documented vessels, certificate of registration, requirements — fees and taxes — duration — temporary registration — termination — availability for inspection.
- 313.826. Tax withholdings, electronic gaming device jackpots and table game jackpots in excess of certain amount, percentage.
- 338.520. Calculation of tax liability — notification to pharmacies — quarterly adjustment authorized.
- 338.550. Expiration date of tax, when.
- 339.105. Separate bank escrow accounts required — service charges for account may be made by personal deposit by broker, amount allowed.
- 351.120. Annual corporate registration report required, when — change in registered office or agent to be filed with annual report.
- 351.140. Registration, form — subject to false declaration penalties — notice on form required.
- 351.484. Grounds for administrative dissolution.
- 355.856. Annual corporate registration report.
- 356.211. Annual registration report — filed when, contents — form — fee — penalties for failure to file or making false declarations.
- 484.053. Supreme court to furnish director with list of persons currently licensed to practice law in Missouri — tax delinquency, effect of.
- 488.5025. Judgments paid on time-payment basis, additional assessment for.
- 488.5028. Court cost delinquencies, income tax setoff may be requested, procedure.
- 488.5030. Contracting for collection of delinquent court-ordered payments authorized — fees added to amount due.
- 577.041. Refusal to submit to chemical test — notice, report of peace officer, contents — revocation of license, hearing — evidence, admissibility — reinstatement of licenses — substance abuse traffic offender program — assignment recommendations, judicial review — fees.
- 577.049. Substance abuse traffic offender program, court may order participation in, when — professional assessment — supplemental fees, deposition — failure to remit, penalty.
- 577.520. License reinstatement, substance abuse traffic offender program — professional assessment — supplemental fee, disposition, failure to remit, penalty.
  - 1. No delinquent taxes, condition of state employment — annual check by department of revenue.
  - 2. No delinquent taxes, condition for renewal of certain professional licenses.
- 196.365. License required to manufacture, or distribute — soft drinks defined — application — expiration.
- 196.367. Manufacturer's exemption, conditions.
- 196.370. Inspection of manufactory — analysis of products — license.
- 196.375. License and inspection fees on products sold in state.
- 196.380. Products for export — no fee.

- 196.385. Products for import — inspection, analysis — license — fee.
- 196.390. Duplicate bill of lading required from transportation company.
- 196.395. Certification of contents of products imported.
- 196.400. Use of impure ingredients prohibited.
- 196.405. Monthly report to department of health and senior services — books open to inspection.
- 196.415. Labeling of bottles and containers — filling or refilling.
- 196.420. Sanitary requirements for soft drink containers, how established.
- 196.425. Department to keep record of manufacturers and bottlers — annual report to governor.
- 196.430. Expenses paid by whom — disposition of fees.
- 196.435. Revocation of licenses.
- 196.436. Review by administrative hearing commission.
- 196.440. Department to make rules and regulations.
- 196.445. Penalty for violation.
- 338.501. Use of tax proceeds.
- 338.545. Medicaid pharmacy dispensing fee, adjustment made, amount.
  - B. Emergency clause.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 32.057, 34.040, 67.990, 71.620, 143.124, 143.181, 143.225, 143.782, 144.025, 144.030, 144.081, 144.190, 144.250, 191.831, 196.365, 196.367, 196.370, 196.375, 196.380, 196.385, 196.390, 196.395, 196.400, 196.405, 196.415, 196.420, 196.425, 196.430, 196.435, 196.436, 196.440, 196.445, 208.565, 301.190, 302.304, 302.540, 306.016, 338.501, 338.520, 338.545, 338.550, 339.105, 351.120, 351.140, 351.484, 355.856, 356.211, 577.041, 577.049, and 577.520, RSMo, are repealed and forty-two new sections enacted in lieu thereof, to be known as sections 21.810, 32.057, 34.040, 67.990, 67.2030, 71.620, 136.320, 136.325, 143.124, 143.181, 143.225, 143.782, 143.1020, 144.025, 144.030, 144.081, 144.190, 144.250, 191.831, 208.565, 301.190, 302.304, 302.540, 306.016, 313.826, 338.520, 338.550, 339.105, 351.120, 351.140, 351.484, 355.856, 356.211, 484.053, 488.5025, 488.5028, 488.5030, 577.041, 577.049, 577.520, 1, and 2, to read as follows:

**21.810. JOINT COMMITTEE ON TAX POLICY ESTABLISHED, MEMBERS, APPOINTMENT, DUTIES.** — **1.** There is established a permanent joint committee of the general assembly to be known as the "Joint Committee on Tax Policy" which shall be composed of five members of the senate, appointed by the president pro tem of the senate, and five members of the house of representatives, appointed by the speaker of the house of representatives. A majority of the members of the committee shall constitute a quorum. The members shall annually select one of the members to be the chair and one of the members to be the vice chair. The speaker of the house of representatives and the president pro tem of the senate shall appoint the respective majority members. The minority leader of the house and the minority leader of the senate shall appoint the respective minority members. The members shall receive no additional compensation, but shall be reimbursed for actual and necessary expenses incurred by them in the performance of their duties. No major party shall be represented on the committee by more than three members from the senate nor by more than three members from the house. The committee is authorized to meet and act year round and to employ the necessary personnel within the limits of appropriations. The staff of the committee on legislative research, house research, and senate research shall provide necessary clerical, research, fiscal, and legal services to the committee, as the committee may request.

**2.** It shall be the duty of the committee:

**(1)** To make a continuing study and analysis of the current and proposed tax policy of this state as it relates to:

- (a)** Fairness and equity;
- (b)** True economic impact;
- (c)** Burden on individuals and businesses;
- (d)** Effectiveness of tax expenditures;

- (e) Impact on political subdivisions of this state;
  - (f) Agreements and contracts with the federal government, other states and territories, political subdivisions, and private entities relating to the collection and administration of state and local taxes and fees;
  - (g) Compliance with the state and United States Constitution and federal and international law; and
  - (h) The effects of interstate commerce;
- (2) To make a continuing study and review of the department of revenue, the department of economic development, the state tax commission, and any other state agency, commission, or state executive office responsible for the administration of tax policies;
  - (3) To study the effects of the coupling or decoupling with the federal income tax code as it relates to the state income tax;
  - (4) To make recommendations, as and when the committee deems fit, to the general assembly for legislative action or to report findings and to the departments, commissions, and offices for administrative or procedural changes; and
  - (5) To study the effects of a sales tax holiday.

3. All state departments, commissions, and offices responsible for the administration of tax policies shall cooperate with and assist the committee in the performance of its duties and shall make available all books, records and information requested, except individually identifiable information regarding a specific taxpayer. The committee may also consult with public and private universities and academies, public and private organizations, and private citizens in the performance of its duties. The committee may contract with public and private entities, within the limits of appropriation, for analysis and study of current or proposed changes to state and local tax policy. The committee shall have the power to subpoena witnesses, take testimony under oath, compel the attendance of witnesses, the giving of testimony and the production of records.

**32.057. CONFIDENTIALITY OF TAX RETURNS AND DEPARTMENT RECORDS — EXCEPTIONS — PENALTY FOR VIOLATION.** — 1. Except as otherwise specifically provided by law, it shall be unlawful for the director of revenue, any officer, employee, agent or deputy or former director, officer, employee, agent or deputy of the department of revenue, any person engaged or retained by the department of revenue on an independent contract basis, any person to whom authorized or unauthorized disclosure is made by the department of revenue, or any person who lawfully or unlawfully inspects any report or return filed with the department of revenue or to whom a copy, an abstract or a portion of any report or return is furnished by the department of revenue to make known in any manner, to permit the inspection or use of or to divulge to anyone any information relative to any such report or return, any information obtained by an investigation conducted by the department in the discharge of official duty, or any information received by the director in cooperation with the United States or other states in the enforcement of the revenue laws of this state. Such confidential information is limited to information received by the department in connection with the administration of the tax laws of this state.

2. Nothing in this section shall be construed to prohibit:

- (1) The disclosure of information, returns, reports, or facts shown thereby, as described in subsection 1 of this section, by any officer, clerk or other employee of the department of revenue charged with the custody of such information:
  - (a) To a taxpayer or the taxpayer's duly authorized representative under regulations which the director of revenue may prescribe;
  - (b) In any action or proceeding, civil, criminal or mixed, brought to enforce the revenue laws of this state;

(c) To the state auditor or the auditor's duly authorized employees as required by subsection 4 of this section;

(d) To any city officer designated by ordinance of a city within this state to collect a city earnings tax, upon written request of such officer, which request states that the request is made for the purpose of determining or enforcing compliance with such city earnings tax ordinance and provided that such information disclosed shall be limited to that sufficient to identify the taxpayer, and further provided that in no event shall any information be disclosed that will result in the department of revenue being denied such information by the United States or any other state. The city officer requesting the identity of taxpayers filing state returns but not paying city earnings tax shall furnish to the director of revenue a list of taxpayers paying such earnings tax, and the director shall compare the list submitted with the director's records and return to such city official the name and address of any taxpayer who is a resident of such city who has filed a state tax return but who does not appear on the list furnished by such city. The director of revenue may set a fee to reimburse the department for the costs reasonably incurred in providing this information;

(e) To any employee of any county or other political subdivision imposing a sales tax which is administered by the state department of revenue whose office is authorized by the governing body of the county or other political subdivision to receive any and all records of the state director of revenue pertaining to the administration, collection and enforcement of its sales tax. The request for sales tax records and reports shall include a description of the type of report requested, the media form including electronic transfer, computer tape or disk, or printed form, and the frequency desired. The request shall be made by annual written application and shall be filed with the director of revenue. The director of revenue may set a fee to reimburse the department for the costs reasonably incurred in providing this information. Such city or county or any employee thereof shall be subject to the same standards for confidentiality as required for the department of revenue in using the information contained in the reports;

(f) To the director of the department of economic development or the director's duly authorized employees in discharging the director's official duties to certify taxpayers eligibility to claim state tax credits as prescribed by statutes;

(g) To any employee of any political subdivision, such records of the director of revenue pertaining to the administration, collection and enforcement of the tax imposed in chapter 149, RSMo, as are necessary for ensuring compliance with any cigarette or tobacco tax imposed by such political subdivision. The request for such records shall be made in writing to the director of revenue, and shall include a description of the type of information requested and the desired frequency. The director of revenue may charge a fee to reimburse the department for costs reasonably incurred in providing such information;

(2) The publication by the director of revenue or of the state auditor in the audit reports relating to the department of revenue of:

(a) Statistics, statements or explanations so classified as to prevent the identification of any taxpayer or of any particular reports or returns and the items thereof;

(b) The names and addresses without any additional information of persons who filed returns and of persons whose tax refund checks have been returned undelivered by the United States Post Office;

(3) The director of revenue from permitting the Secretary of the Treasury of the United States or the Secretary's delegates, the proper officer of any state of the United States imposing a tax equivalent to any of the taxes administered by the department of revenue of the state of Missouri or the appropriate representative of the multistate tax commission to inspect any return or report required by the respective tax provision of this state, or may furnish to such officer an abstract of the return or report or supply the officer with information contained in the return or disclosed by the report of any authorized investigation. Such permission, however, shall be granted on condition that the corresponding revenue statute of the United States or of such other state, as the case may be, grants substantially similar privileges to the director of revenue and on

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further condition that such corresponding statute gives confidential status to the material with which it is concerned;

(4) The disclosure of information, returns, reports, or facts shown thereby, by any person on behalf of the director of revenue, in any action or proceeding to which the director is a party or on behalf of any party to any action or proceeding pursuant to the revenue laws of this state when such information is directly involved in the action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of such information as is pertinent to the action or proceeding and no more;

(5) The disclosure of information, returns, reports, or facts shown thereby, by any person to a state or federal prosecuting official, the official's designees, or other persons officially involved in any criminal or quasi-criminal investigation, action or proceeding pursuant to the laws of this state or of the United States when such information is pertinent to an investigation, action or proceeding involving the administration of the revenue laws or duties of public office or employment connected therewith;

(6) Any school district from obtaining the aggregate amount of the financial institution tax paid pursuant to chapter 148, RSMo, by financial institutions located partially or exclusively within the school district's boundaries, provided that the school district request such disclosure in writing to the department of revenue;

(7) The disclosure of records which identify all companies licensed by this state pursuant to the provisions of subsections 1 and 2 of section 149.035, RSMo. The director of revenue may charge a fee to reimburse the department for the costs reasonably incurred in providing such records;

**(8) The disclosure to the commissioner of administration pursuant to section 34.040, RSMo, of a list of vendors and their affiliates who meet the conditions of section 144.635, RSMo, but refuse to collect the use tax levied pursuant to chapter 144, RSMo, on their sales delivered to this state.**

3. Any person violating any provision of subsection 1 or 2 of this section shall, upon conviction, be guilty of a class D felony.

4. The state auditor or the auditor's duly authorized employees who have taken the oath of confidentiality required by section 29.070, RSMo, shall have the right to inspect any report or return filed with the department of revenue if such inspection is related to and for the purpose of auditing the department of revenue; except that, the state auditor or the auditor's duly authorized employees shall have no greater right of access to, use and publication of information, audit and related activities with respect to income tax information obtained by the department of revenue pursuant to chapter 143, RSMo, or federal statute than specifically exists pursuant to the laws of the United States and of the income tax laws of the state of Missouri.

**34.040. PURCHASES TO BE MADE ON COMPETITIVE BIDS, WHEN, HOW — STANDARD SPECIFICATIONS, WHEN — EXCEPTION — FAILURE TO PAY TAXES, EFFECT OF. — 1.** All purchases in excess of three thousand dollars shall be based on competitive bids, except as otherwise provided in this chapter.

2. On any purchase where the estimated expenditure shall be twenty-five thousand dollars or over, except as provided in subsection 5 of this section, the commissioner of administration shall:

(1) Advertise for bids in at least two daily newspapers of general circulation in such places as are most likely to reach prospective bidders and may advertise in at least two weekly minority newspapers and may provide such information through an electronic medium available to the general public at least five days before bids for such purchases are to be opened. Other methods of advertisement, which may include minority business purchase councils, however, may be adopted by the commissioner of administration when such other methods are deemed more advantageous for the supplies to be purchased;

(2) Post a notice of the proposed purchase in his or her office; and

(3) Solicit bids by mail or other reasonable method generally available to the public from prospective suppliers. All bids for such supplies shall be mailed or delivered to the office of the commissioner of administration so as to reach such office before the time set for opening bids.

3. The contract shall be let to the lowest and best bidder. The commissioner of administration shall have the right to reject any or all bids and advertise for new bids, or purchase the required supplies on the open market if they can be so purchased at a better price. When bids received pursuant to this section are unreasonable or unacceptable as to terms and conditions, noncompetitive, or the low bid exceeds available funds and it is determined in writing by the commissioner of administration that time or other circumstances will not permit the delay required to resolicit competitive bids, a contract may be negotiated pursuant to this section, provided that each responsible bidder who submitted such bid under the original solicitation is notified of the determination and is given a reasonable opportunity to modify their bid and submit a best and final bid to the state. In cases where the bids received are noncompetitive or the low bid exceeds available funds, the negotiated price shall be lower than the lowest rejected bid of any responsible bidder under the original solicitation.

4. All bids shall be based on standard specifications wherever such specifications have been approved by the commissioner of administration. The commissioner of administration shall make rules governing the delivery, inspection, storage and distribution of all supplies so purchased and governing the manner in which all claims for supplies delivered shall be submitted, examined, approved and paid. The commissioner shall determine the amount of bond or deposit and the character thereof which shall accompany bids or contracts.

5. The department of natural resources may, without the approval of the commissioner of administration required pursuant to this section, enter into contracts of up to five hundred thousand dollars to abate illegal waste tire sites pursuant to section 260.276, RSMo, when the director of the department determines that urgent action is needed to protect public health, safety, natural resources or the environment. The department shall follow bidding procedures pursuant to this section and may promulgate rules necessary to establish such procedures. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

**6. The commissioner of administration and other agencies to which the state purchasing law applies shall not contract for goods or services with a vendor if the vendor or an affiliate of the vendor makes sales at retail of tangible personal property or for the purpose of storage, use, or consumption in this state but fails to collect and properly pay the tax as provided in chapter 144, RSMo. For the purposes of this section, "affiliate of the vendor" shall mean any person or entity that is controlled by or is under common control with the vendor, whether through stock ownership or otherwise.**

**67.990. SENIOR CITIZENS' SERVICES FUND TAX, ELECTION, BALLOT, LEVY AND COLLECTION OF, LIMITATION. — 1. The governing body of any county or city not within a county may, upon approval of a majority of the qualified voters of such county or city voting thereon, levy and collect a tax not to exceed five cents per one hundred dollars of assessed valuation, or in any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants, the governing body may, upon approval of a majority of the qualified voters of the county voting thereon, levy and collect a tax not to exceed ten cents per one hundred dollars of assessed valuation upon all taxable property within the county or city or for the purpose of providing services to persons sixty years of age or older. The tax so levied shall be collected along with other county or city**

taxes, in the manner provided by law. All funds collected for this purpose shall be deposited in a special fund for the provision of services for persons sixty years of age or older, and shall be used for no other purpose except those purposes authorized in sections 67.990 to 67.995. Deposits in the fund shall be expended only upon approval of the board of directors established in section 67.993 and only in accordance with the fund budget approved by the county or city governing body.

2. The question of whether the tax authorized by this section shall be imposed shall be submitted in substantially the following form:

OFFICIAL BALLOT

Shall ..... (name of county/city) levy a tax of ..... cents per each one hundred dollars assessed valuation for the purpose of providing services to persons sixty years of age or older?

☐ YES

☐ NO

**67.2030. RETAIL SALES TAX FOR TOURISM AUTHORIZED, BALLOT LANGUAGE — COLLECTION AND ADMINISTRATION OF THE TAX — REPEAL OF SALES TAX, PROCEDURE (CITY OF WESTON, PLATTE COUNTY). — 1. The governing authority of any city of the fourth classification with more than one thousand six hundred but less than one thousand seven hundred inhabitants and located in any county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount not to exceed one-half of one percent on all retail sales made in such city which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, for the promotion of tourism in such city. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to this section shall be effective unless the governing authority of the city submits to the qualified voters of the city, at any municipal or state general, primary, or special election, a proposal to authorize the governing authority of the city to impose a tax.**

2. The ballot of submission shall be in substantially the following form:

"Shall the city of .... (city's name) impose a citywide sales tax of .... (insert amount) for the purpose of promoting tourism in the city?"

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the first calendar quarter immediately following notification to the director of the department of revenue of the election approving the proposal. If a proposal receives less than the required majority, then the governing authority of the city shall have no power to impose the sales tax unless and until the governing authority of the city has submitted another proposal to authorize the imposition of the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. On and after the effective date of any tax authorized in this section, the city may adopt one of the two following provisions for the collection and administration of the tax:

(1) The city may adopt rules and regulations for the internal collection of such tax by the city officers usually responsible for collection and administration of city taxes; or

(2) The city may enter into an agreement with the director of revenue of the state of Missouri for the purpose of collecting the tax authorized in this section. In the event any

city enters into an agreement with the director of revenue of the state of Missouri for the collection of the tax authorized in this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of such tax, and the director of revenue shall collect the additional tax authorized in this section. The tax authorized in this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue, and the director of revenue shall retain an amount not to exceed one percent for cost of collection.

4. If a tax is imposed by a city pursuant to this section, the city may collect a penalty of one percent and interest not to exceed two percent per month on unpaid taxes which shall be considered delinquent thirty days after the last day of each quarter.

5. (1) The governing authority of any city that has adopted any sales tax pursuant to this section shall, upon filing of a petition calling for the repeal of such sales tax signed by at least ten percent of the qualified voters in the city, submit the question of repeal of the sales tax to the qualified voters at any primary or general election. The ballot of submission shall be in substantially the following form:

Shall ..... (insert name of city) repeal the sales tax of ..... (insert rate of percent) percent for tourism purposes now in effect in ..... (insert name of city)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved.

(2) Once the tax is repealed as provided in this section, all funds remaining in any trust fund or account established to receive revenues generated by the tax shall be used solely for the original stated purpose of the tax. Any funds which are not needed for current expenditures may be invested by the governing authority in accordance with applicable laws relating to the investment of other city funds.

(3) The governing authority of a city repealing a tax pursuant to this section shall notify the director of revenue of the action at least forty-five days before the effective date of the repeal and the director of revenue may order retention in any trust fund created in the state treasury associated with the tax, for a period of one year, of two percent of the amount collected after receipt of such notice to cover refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal of the tax in the city, the director of revenue shall remit the balance in the trust fund to the city and close the account of that city. The director of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

(4) In the event that the repeal of a sales tax pursuant to this section dissolves or terminates a taxing district, the governing authority of the city shall appoint a person to act as trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond with sufficient security, approved by the governing authority of the city, to the use of the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining obligations of the district, shall pay over to the city treasurer or the equivalent official and take receipt for all remaining moneys. Upon payment to the city treasurer, the trustee shall deliver to the clerk of the governing authority of the city all books, papers, records, and deeds belonging to the dissolved district.

6. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

**71.620. IMPOSITION OF TAX OR LICENSE FEE ON CERTAIN PROFESSIONS PROHIBITED — IMPOSITION OF TAX OR FEE PROHIBITED UNLESS BUSINESS OFFICE MAINTAINED. — 1.** Hereafter no person following for a livelihood the profession or calling of minister of the gospel, duly accredited Christian Science practitioner, teacher, professor in a college, priest, lawyer, certified public accountant, dentist, chiropractor, optometrist, chiropodist, [or] physician or surgeon in this state, shall be taxed or made liable to pay any municipal or other corporation tax or license fee of any description whatever for the privilege of following or carrying on such profession or calling, **and, after December 31, 2003, no investment funds service corporation, as defined in section 143.451, RSMo, shall be taxed or made liable to pay any municipal or other corporation tax or license fee of any description whatever for the privilege of following or carrying on its business or occupation, in an aggregate amount exceeding twenty-five thousand dollars annually,** any law, ordinance or charter to the contrary notwithstanding.

2. No person following for a livelihood the profession of insurance agent or broker, veterinarian, architect, professional engineer, land surveyor, auctioneer, or real estate broker or salesman in this state, shall be taxed or made liable to pay any municipal or other corporation tax or license fee for the privilege of following or carrying on his profession by a municipality unless that person maintains a business office within that municipality.

**136.320. AMNESTY TO APPLY TO CERTAIN TAXES — CONDITIONS — COLLECTION FEE — RULEMAKING AUTHORITY. — 1.** Notwithstanding the provisions of any other law to the contrary, with respect to taxes administered by the department of revenue, an amnesty from the assessment or payment of all penalties, additions to tax, and interest shall apply with respect to unpaid taxes or taxes due and owing reported and paid in full from August 1, 2003, to October 31, 2003, regardless of whether previously assessed, except for penalties, additions to tax, and interest paid before August 1, 2003. The amnesty shall apply only to state tax liabilities due or due but unpaid on or before December 31, 2002, and shall not extend to any taxpayer who at the time of payment is a party to any criminal investigations or to any civil or criminal litigation that is pending in any court of the United States or this state for nonpayment, delinquency, or fraud in relation to any state tax imposed by the state of Missouri.

2. Upon written application by the taxpayer, on forms prescribed by the director of revenue, and upon compliance with this section, the department of revenue shall not seek to collect any penalty, addition to tax, or interest which may be applicable. The department of revenue shall not seek civil or criminal prosecution for any taxpayer for the taxable period for which the amnesty has been granted.

3. Amnesty shall be granted only to those taxpayers who have applied for amnesty within the period stated in subsection 1 of this section, who have filed a tax return for each taxable period for which amnesty is requested, who have paid the entire balance due within sixty days of approval by the department of revenue, and who agree to comply with state tax laws for the next three years from the date of the agreement. No taxpayer shall be entitled to a waiver of any penalty, addition to tax, or interest pursuant to this section unless full payment of the tax due is made in accordance with rules and regulations established by the director of revenue.

4. If a taxpayer elects to participate in the amnesty program established pursuant to this section as evidenced by full payment of the tax due as established by the director of revenue, that election shall constitute an express and absolute relinquishment of all administrative and judicial rights of appeal. No tax payment received pursuant to this section shall be eligible for refund or credit.

5. Nothing in this section shall be interpreted to disallow the department of revenue to adjust a taxpayer's tax return as a result of any state or federal audit.

6. A collection fee, not to exceed twenty-five percent of the delinquent tax amount, may be imposed but shall not be subject to waiver or abatement. The collection fee shall be in addition to all other penalties and interest otherwise authorized by law and may be imposed upon any tax liabilities eligible to be satisfied during the amnesty period established pursuant to this section that are not satisfied during such period.

7. The first seventy-five thousand dollars of revenue collected pursuant to this section shall be used exclusively for postage for notification of the tax amnesty program established in this section.

8. The department may promulgate such rules or regulations or issue administrative guidelines as are necessary to administer this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

**136.325. AMNESTY TO APPLY TO CERTAIN MOTOR VEHICLE AND BOAT TAXES — CONDITIONS — RULEMAKING AUTHORITY. —** 1. Notwithstanding the provisions of any other law to the contrary, with respect to taxes administered by the department of revenue on motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors pursuant to subdivision (1) of subsection 1 of section 144.020, RSMo, and section 144.440, RSMo, and the fees charged pursuant to subsection 5 of section 301.190, RSMo, an amnesty from the assessment or payment of all penalties, additions to tax, fees, and interest due thereon shall apply with respect to taxes due and owing reported and paid in full from August 1, 2003, to October 31, 2003, regardless of whether previously assessed, except for penalties, additions to tax, and interest paid before August 1, 2003. The amnesty shall apply only to state tax or fee liabilities due on or before December 31, 2002, and shall not extend to any taxpayer who at the time of payment is a party to any criminal investigations or to any civil or criminal litigation that is pending in any court of the United States or this state for nonpayment, delinquency, or fraud in relation to any state tax imposed by the state of Missouri.

2. Upon written application by the taxpayer, on forms prescribed by the director of revenue, and upon compliance with the provisions of this section, the department of revenue shall not seek to collect any penalty, addition to tax, or interest which may be applicable. The department of revenue shall not seek civil or criminal prosecution for any taxpayer for the taxable period for which the amnesty has been granted.

3. Amnesty shall be granted only to those taxpayers who have applied for amnesty within the period stated in subsection 1 of this section, who have filed a tax return for each taxable period for which amnesty is requested, who have paid the entire balance due within sixty days of approval by the department of revenue, and who agree to comply with all state tax laws for the next three years from the date of the agreement. No taxpayer shall be entitled to a waiver of any penalty, addition to tax, or interest pursuant to this section unless full payment of the tax due is made in accordance with rules and regulations established by the director of revenue.

4. If a taxpayer elects to participate in the amnesty program established pursuant to this section as evidenced by full payment of the tax due as established by the director of revenue, that election shall constitute an express and absolute relinquishment of all administrative and judicial rights of appeal. No tax payment received pursuant to this section shall be eligible for refund or credit.

5. The department may promulgate such rules or regulations or issue administrative guidelines as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is

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subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

**143.124. ANNUITIES, PENSIONS OR RETIREMENT ALLOWANCES PROVIDED BY STATE, UNITED STATES, POLITICAL SUBDIVISIONS OR ANY OTHER STATE, KEOGH PLANS, ANNUITIES FROM DEFINED PENSION PLANS AND IRAS, AMOUNTS SUBTRACTED FROM MISSOURI ADJUSTED GROSS INCOME.** — 1. Other provisions of law to the contrary notwithstanding, the total amount of all annuities, pensions, or retirement allowances above the amount of six thousand dollars annually provided by any law of this state, the United States, or any other state to any person except as provided in subsection 4 of this section, shall be subject to tax pursuant to the provisions of this chapter, in the same manner, to the same extent and under the same conditions as any other taxable income received by the person receiving it. For purposes of this section, annuity, pension, or retirement allowance shall be defined as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state. For all tax years beginning on or after January 1, 1998, for purposes of this section, annuity, pension or retirement allowance shall be defined to include 401(k) plans, deferred compensation plans, self-employed retirement plans, also known as Keogh plans, annuities from a defined pension plan and individual retirement arrangements, also known as IRAs, as described in the Internal Revenue Code, but not including Roth IRAs, as well as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state. An individual taxpayer shall only be allowed a maximum deduction of six thousand dollars pursuant to this section. Taxpayers filing combined returns shall only be allowed a maximum deduction of six thousand dollars for each taxpayer on the combined return.

2. For the period beginning July 1, 1989, and ending December 31, 1989, there shall be subtracted from Missouri adjusted gross income for that period, determined pursuant to section 143.121, the first three thousand dollars of retirement benefits received by each taxpayer:

(1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and the taxpayer's Missouri adjusted gross income is less than twelve thousand five hundred dollars; or

(2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than sixteen thousand dollars; or

(3) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri adjusted gross income is less than eight thousand dollars.

3. For the tax years beginning on or after January 1, 1990, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of the first six thousand dollars of retirement benefits received by each taxpayer from sources other than privately funded sources, and for tax years beginning on or after January 1, 1998, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of the first one thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1998, but before January 1, 1999, and a maximum of the first three thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1999, but before January 1, 2000, and a maximum of the first four thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 2000, but before January 1, 2001, and a maximum of the first five thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 2001, but before January 1, 2002, and a maximum of the first six thousand dollars of any

retirement allowance received from any privately funded sources for tax years beginning on or after January 1, 2002. A taxpayer shall be entitled to the maximum exemption provided by this subsection:

(1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and the taxpayer's Missouri adjusted gross income is less than twenty-five thousand dollars; or

(2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than thirty-two thousand dollars; or

(3) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri adjusted gross income is less than sixteen thousand dollars.

4. If a taxpayer's adjusted gross income exceeds the adjusted gross income ceiling for such taxpayer's filing status, as provided in subdivisions (1), (2) and (3) of subsection 3 of this section, such taxpayer shall be entitled to an exemption equal to the greater of zero or the maximum exemption provided in subsection 3 of this section reduced by one dollar for every dollar such taxpayer's income exceeds the ceiling for his or her filing status.

5. For purposes of this section, any Social Security benefits otherwise included in Missouri adjusted gross income shall be subtracted; but Social Security benefits shall not be subtracted for purposes of other computations pursuant to this chapter, and are not to be considered as retirement benefits for purposes of this section.

6. The provisions of subdivisions (1) and (2) of subsection 3 of this section shall apply during all tax years in which the federal Internal Revenue Code provides exemption levels for calculation of the taxability of Social Security benefits that are the same as the levels in subdivisions (1) and (2) of subsection 3 of this section. If the exemption levels for the calculation of the taxability of Social Security benefits are adjusted by applicable federal law or regulation, the exemption levels in subdivisions (1) and (2) of subsection 3 of this section shall be accordingly adjusted to the same exemption levels.

7. The portion of a taxpayer's lump sum distribution from an annuity or other retirement plan not otherwise included in Missouri adjusted gross income as calculated pursuant to this chapter, but subject to taxation under Internal Revenue Code Section 402 shall be taxed in an amount equal to ten percent of the taxpayer's federal liability on such distribution for the same tax year.

8. For purposes of this section, retirement benefits received shall not include any withdrawals from qualified retirement plans which are subsequently rolled over into another retirement plan.

9. The exemptions provided for in this section shall not affect the calculation of the income to be used to determine the property tax credit provided in sections 135.010 to 135.035, RSMo.

**10. The exemptions provided for in this section shall apply to any annuity, pension, or retirement allowance as defined in subsection 1 of this section to the extent that such amounts are included in the taxpayer's federal adjusted gross income and not otherwise deducted from the taxpayer's federal adjusted gross income in the calculation of Missouri taxable income. This subsection shall not apply to any individual who qualifies under federal guidelines to be one hundred percent disabled.**

**143.181. MISSOURI NONRESIDENT ADJUSTED GROSS INCOME.** — 1. The Missouri nonresident adjusted gross income shall be that part of the nonresident individual's federal adjusted gross income derived from sources within Missouri, as modified in the same manner as set forth in section 143.121 with respect to resident individuals. It shall be the sum of:

(1) The net amount of items of income, gain, loss, and deduction entering into his or her federal adjusted gross income which are derived from or connected with sources in this state including

(a) [His] **The individual's** distributive share of partnership income and deductions determined under section 143.421, and

(b) [His] **The individual's** share of estate or trust income and deductions determined under section 143.391, and

(c) [His] **The individual's** pro rata share of S corporation income and deductions determined under subsection 3 of section 143.471; and

(2) The portion of the modifications described in section 143.121 which relate to income derived from sources in this state, including any modifications attributable to him **or her** as a partner.

2. Items of income, gain, loss, and deduction derived from or connected with sources within this state are those items attributable to:

(1) The ownership or disposition of any interest in real or tangible personal property in this state; [and]

(2) A business, trade, profession, or occupation carried on in this state;

(3) **Winnings from a wager placed in a lottery conducted by the state lottery commission, if the proceeds from such wager are required, pursuant to the Internal Revenue Code of 1986, as amended, or regulations adopted thereunder, to be reported by the state lottery commission to the Internal Revenue Service; and**

(4) **Winnings from any other wager placed in this state or from any wagering transaction, gaming activity, or gambling activity in this state, if the proceeds from such wager, wagering transaction, gaming activity, or gambling activity are required, pursuant to the Internal Revenue Code of 1986, as amended, or regulations adopted thereunder, to be reported by the payer to the Internal Revenue Service.**

3. Income from intangible personal property, including annuities, dividends, interest, and gains from the disposition of intangible personal property, shall constitute income derived from sources within this state only to the extent that such income is from:

(1) Property employed in a business, trade, profession, or occupation carried on in this state;

(2) **Winnings from a wager placed in a lottery conducted by the state lottery commission, if the proceeds from such wager are required, pursuant to the Internal Revenue Code of 1986, as amended, or regulations adopted thereunder, to be reported by the state lottery commission to the Internal Revenue Service; and**

(3) **Winnings from any other wager placed in this state or from any wagering transaction, gaming activity, or gambling activity in this state, if the proceeds from such wager, wagering transaction, gaming activity, or gambling activity are required, pursuant to the Internal Revenue Code of 1986, as amended, or regulations adopted thereunder, to be reported by the payer to the Internal Revenue Service.**

4. Deductions with respect to capital losses, net long-term capital gains, and net operation losses shall be based solely on income, gains, losses, and deductions derived from sources within this state in the same manner as the corresponding federal deductions under regulations to be prescribed by the director of revenue.

5. If a business, trade, profession, or occupation is carried on partly within and partly without this state, the items of income and deduction derived from or connected with sources within this state shall be determined by apportionment and allocation under regulations to be prescribed by the director of revenue.

6. Compensation paid by the United States for service in the armed forces of the United States performed by a nonresident shall not constitute income derived from sources within this state.

**143.225. QUARTER-MONTHLY REMITTANCE, WHEN — DEEMED FILED ON TIME, WHEN — QUARTER-MONTHLY DEFINED — UNDERPAYMENT PENALTY, EXCEPTIONS — ELECTRONIC FUNDS PAYMENT SYSTEM AUTHORIZED. — 1.** The director of revenue, by regulation, may require an employer to timely remit the unpaid amount required to be deducted and withheld by section 143.191 at the end of any quarter-monthly period, only if the employer

was required to deduct and withhold six thousand dollars or more in each of at least two months during the prior twelve months.

2. The director may increase the monthly requirement to more than six thousand dollars or otherwise narrow the application of the quarter-monthly remittance system authorized by this section. The director may not require the remittance of withheld taxes more often than monthly unless authorized by this section.

3. A remittance shall be timely if mailed as provided in section 143.851 within three banking days after the end of the quarter-monthly period or if received by the director or deposited in a depository designated by the director within four banking days after the end of the quarter-monthly period.

4. The unpaid amount shall be after a reduction for the compensation provided by section 143.261. The unpaid amount at the end of a quarter-monthly period shall not include unpaid amounts for any prior quarter-monthly period.

5. For purposes of this section, "quarter-monthly period" means:

- (1) The first seven days of a calendar month;
- (2) The eighth to fifteenth day of a calendar month;
- (3) The sixteenth to twenty-second day of a calendar month; and
- (4) The portion following the twenty-second day of a calendar month.

6. (1) In the case of an underpayment of any amount required to be paid pursuant to this section, an employer shall be liable for a penalty in lieu of all other penalties, interest or additions to tax imposed by this chapter for violating this section. The penalty shall be five percent of the amount of the underpayment determined under subdivision (2) of this subsection.

(2) The amount of the underpayment shall be the excess of

- (a) Ninety percent of the unpaid amount at the end of a quarter-monthly period, over
- (b) The amount, if any, of the timely remittance for the quarter-monthly period.

7. (1) The penalty with respect to any quarter-monthly period shall not be imposed if the employer's timely remittance for the quarter-monthly period equals or exceeds one-fourth of the average monthly withholding tax liability of the employer for the preceding calendar year. The month of highest liability and the month of lowest liability shall be excluded in computing the average. This subdivision shall apply only to an employer who had a withholding tax liability for at least six months of the previous calendar year.

(2) The penalty shall not be imposed if the employer establishes that the failure to make a timely remittance of at least ninety percent was due to reasonable cause, and not due to willful neglect.

(3) The penalty shall not be imposed against any employer for the first two months the employer is obligated to make quarter-monthly remittance of withholding taxes.

8. Tax amounts remitted under this section shall be treated as payments on the employer's monthly return required by subsection 2 of section 143.221. Tax amounts remitted under this section shall be deemed to have been paid on the last day prescribed for filing the return. The preceding sentence shall apply in computing compensation under section 143.261, interest, penalties and additions to tax and for purposes of all sections of chapter 143, except this section.

**9. The director of revenue may prescribe the use of an electronic funds payment system for the payment of withholding taxes by any employer subject to the requirement of quarter-monthly remittance as provided in this section.**

**143.782. DEFINITIONS.** — As used in sections 143.782 to 143.788, unless the context clearly requires otherwise, the following terms shall mean and include:

- (1) "Court", the supreme court, court of appeals, or any circuit court of the state;
- (2) "Debt", any sum due and legally owed to any state agency which has accrued through contract, subrogation, tort, or operation of law regardless of whether there is an outstanding judgment for that sum, court costs as defined in section 488.010, RSMo, fines and fees owed,

or any support obligation which is being enforced by the division of family services on behalf of a person who is receiving support enforcement services pursuant to section 454.425, RSMo;

[(2)] (3) "Debtor", any individual, sole proprietorship, partnership, corporation or other legal entity owing a debt;

[(3)] (4) "Department", the department of revenue of the state of Missouri;

[(4)] (5) "Refund", the Missouri income tax refund which the department determines to be due any taxpayer pursuant to the provisions of this chapter. The amount of a refund shall not include any senior citizens property tax credit provided by sections 135.010 to 135.035, RSMo; and

[(5)] (6) "State agency", any department, division, board, commission, office, or other agency of the state of Missouri, including public community college district.

**143.1020. DESIGNATION OF STATE TAX REFUND TO GENERAL REVENUE — TRANSFER OF CONTRIBUTIONS. — 1. For each taxable year beginning on or after January 1, 2003, each individual or corporation entitled to a tax refund may designate that all or part of the refund due be credited to the state general revenue fund. The contribution designation authorized by this section shall be clearly and unambiguously printed on the first page of each income tax return form provided by this state. If any individual or corporation which is not entitled to a tax refund wishes to make a contribution to the state general revenue fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount, clearly designated for the state general revenue fund, the individual or corporation wishes to contribute and the department of revenue shall forward such amount to the state treasurer for deposit to the state general revenue fund as provided in subsection 2 of this section.**

**2. The director of revenue shall transfer at least monthly all contributions designated by individuals or corporations pursuant to this section to the state treasurer for deposit to the state general revenue fund.**

**144.025. TRANSACTIONS INVOLVING TRADE-IN OR REBATE, HOW COMPUTED — EXCEPTIONS — DEFINITIONS — AGRICULTURAL USE, ALLOWANCE. — 1. Notwithstanding any other provisions of law to the contrary, in any retail sale other than retail sales governed by [subsection 3] subsections 4 and 5 of this section, where any article on which sales or use tax has been paid, credited, or otherwise satisfied or which was exempted or excluded from sales or use tax is taken in trade as a credit or part payment on the purchase price of the article being sold, the tax imposed by sections 144.020 and 144.440 shall be computed only on that portion of the purchase price which exceeds the actual allowance made for the article traded in or exchanged, if there is a bill of sale or other record showing the actual allowance made for the article traded in or exchanged. Where the article being traded in for credit or part payment is a motor vehicle, trailer, boat, or outboard motor the person trading in the article must be the owner or holder of a properly assigned certificate of ownership. Where the purchaser of a motor vehicle, trailer, boat or outboard motor receives a rebate from the seller or manufacturer, the tax imposed by sections 144.020 and 144.440 shall be computed only on that portion of the purchase price which exceeds the amount of the rebate, if there is a bill of sale or other record showing the actual rebate given by the seller or manufacturer. Where the trade-in or exchange allowance plus any applicable rebate exceeds the purchase price of the purchased article there shall be no sales or use tax owed. This section shall also apply to motor vehicles, trailers, boats, and outboard motors sold by the owner or holder of the properly assigned certificate of ownership if the seller purchases or contracts to purchase a subsequent motor vehicle, trailer, boat, or outboard motor within one hundred eighty days before or after the date of the sale of the original article and a notarized bill of sale showing the paid sale price is presented to the department of revenue at the time of licensing. A copy of the bill of sale shall**

be left with the licensing office. Where the subsequent motor vehicle, trailer, boat, or outboard motor is titled more than one hundred eighty days after the sale of the original motor vehicle, trailer, boat, or outboard motor, the allowance pursuant to this section shall be made if the person titling such article establishes that the purchase or contract to purchase was finalized prior to the expiration of the one hundred eighty-day period.

2. As used in this section, the term "boat" includes all motorboats and vessels, as the terms "motorboat" and "vessel" are defined in section 306.010, RSMo.

3. As used in this section, the term "motor vehicle" includes motor vehicles as defined in section 301.010, RSMo, recreational vehicles as defined in section 700.010, RSMo, or a combination of a truck as defined in section 301.010, RSMo, and a trailer as defined in section 301.010, RSMo.

4. The provisions of subsection 1 of this section shall not apply to retail sales of manufactured homes in which the purchaser receives a document known as the "Manufacturer's Statement of Origin" for purposes of obtaining a title to the manufactured home from the department of revenue of this state or from the appropriate agency or officer of any other state.

**5. Any purchaser of a motor vehicle or trailer used for agricultural use by the purchaser shall be allowed to use as an allowance to offset the sales and use tax liability towards the purchase of the motor vehicle or trailer any grain or livestock produced or raised by the purchaser. The director of revenue may prescribe forms for compliance with this subsection.**

**144.030. EXEMPTIONS FROM STATE AND LOCAL SALES AND USE TAXES.** — 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.584, RSMo; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation, slagging materials and firebrick,

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which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility which converts recovered materials into a new product, or a different form which is used in producing a new product, and shall include a facility or equipment which is used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms "motor vehicle" and "highway" shall have the same meaning pursuant to section 301.010, RSMo;

(5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes;

(8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, RSMo, solely in the transportation of persons or property in interstate commerce;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200, RSMo. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the air conservation commission which may uphold or reverse such action;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the Missouri clean water commission which may uphold or reverse such action;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, solely in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted

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by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530, RSMo;

(22) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, **natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, RSMo**, and all sales of farm machinery **and equipment**, other than airplanes, motor vehicles and trailers. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery **and equipment**" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon, **and supplies** and lubricants used exclusively [for such farm machinery and equipment], **solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail** and one-half of each purchaser's purchase of diesel fuel therefor which is:

- (a) Used exclusively for agricultural purposes;
- (b) Used on land owned or leased for the purpose of producing farm products; and
- (c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use;

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making

nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(31) Electrical energy or gas, whether natural, artificial or propane, which is ultimately consumed in connection with the manufacturing of cellular glass products;

(32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(33) Tangible personal property purchased for use or consumption directly or exclusively in the research and development of prescription pharmaceuticals consumed by humans or animals;

(34) All sales of grain bins for storage of grain for resale;

(35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity

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to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(37) Tangible personal property purchased for use or consumption directly or exclusively in research or experimentation activities performed by life science companies and so certified as such by the director of the department of economic development or the director's designees; except that, the total amount of exemptions certified pursuant to this section shall not exceed one million three hundred thousand dollars in state and local taxes per fiscal year. For purposes of this subdivision, the term "life science companies" means companies whose primary research activities are in agriculture, pharmaceuticals, biomedical or food ingredients, and whose North American Industry Classification System (NAICS) Codes fall under industry 541710 (biotech research or development laboratories), 621511 (medical laboratories) or 541940 (veterinary services). The exemption provided by this subdivision shall expire on June 30, 2003.

**144.081. QUARTER-MONTHLY REMITTANCE, WHEN — DEEMED FILED ON TIME, WHEN — QUARTER-MONTHLY DEFINED — UNDERPAYMENT, PENALTY, EXCEPTIONS — ELECTRONIC FUNDS PAYMENT SYSTEM AUTHORIZED.** — 1. The director of revenue, by regulation, may require a seller to timely remit the unpaid state sales tax for each quarter-monthly period, only if the seller's aggregate state sales tax was ten thousand dollars or more in each of at least six months during the prior twelve months. The term "state sales tax" as used in this section means the tax imposed by sections 144.010 to 144.510 and the additional sales tax imposed by sections 43(a) to 43(c) and 47(a) to 47(c) of article IV of the Missouri Constitution and does not include any sales taxes imposed by political subdivisions of the state pursuant to other provisions of law.

2. The director may increase the monthly requirement to more than ten thousand dollars or otherwise narrow the application of the quarter-monthly remittance system authorized by this section. The director may not require the remittance of state sales taxes more often than monthly unless authorized by this section.

3. A remittance shall be timely if mailed as provided in section 143.851, RSMo, within three banking days after the end of the quarter-monthly period or if received by the director or deposited in a depository designated by the director within four banking days after the end of the quarter-monthly period.

4. The unpaid amount shall be after a reduction for the compensation provided by section 144.140. The unpaid amount at the end of a quarter-monthly period shall not include unpaid amounts for a prior quarter-monthly period only if the seller made a remittance with respect to the prior quarter-monthly period. The excess, if any, of a remittance over the actual amount for a period shall be applied in order of time to each of the seller's succeeding remittances with respect to the same return period.

5. For purposes of this section, "quarter-monthly period" means:

- (1) The first seven days of a calendar month;
- (2) The eighth to fifteenth day of a calendar month;
- (3) The sixteenth to twenty-second day of a calendar month; and
- (4) The portion following the twenty-second of a calendar month.

6. (1) In the case of an underpayment of any amount required to be paid pursuant to this section, a seller shall be liable for a penalty in lieu of all other penalties, interest or additions to tax imposed by this chapter for violating this section. The penalty shall be five percent of the amount of the underpayment determined under subdivision (2) of this subsection.

(2) The amount of the underpayment shall be the excess of:

- (a) Ninety percent of the unpaid amount at the end of a quarter-monthly period, over
- (b) The amount, if any, of the timely remittance for the quarter-monthly period.

7. (1) The penalty with respect to any quarter-monthly period shall not be imposed if the seller's timely remittance for the quarter-monthly period equals or exceeds one-fourth of the average monthly state sales tax liability of the seller for the preceding calendar year. The month of highest liability and the month of lowest liability shall be excluded in computing the average. This subdivision shall apply only to a seller who had a state sales tax liability for at least six months of the previous calendar year.

(2) The penalty shall not be imposed if the seller establishes that the failure to make a timely remittance of at least ninety percent was due to reasonable cause, and not due to willful neglect.

(3) The penalty shall not be imposed against any seller for the first two months the seller is obligated to make quarter-monthly remittance of state sales taxes.

8. Tax amounts remitted under this section shall be treated as payments on the seller's monthly return required by sections 144.080 and 144.090. Tax amounts remitted under this section shall be deemed to have been paid on the last day prescribed for filing the return. The preceding sentence shall apply in computing compensation under section 144.140, interest, penalties and additions to tax and for purposes of all sections of this chapter, except this section.

**9. The director of revenue may prescribe the use of an electronic funds payment system for the payment of sales and use taxes by any seller subject to the requirement of quarter-monthly remittance as provided in this section.**

**144.190. REFUND OF OVERPAYMENTS — CLAIM FOR REFUND — TIME FOR MAKING CLAIMS — PAID TO WHOM — DIRECT PAY AGREEMENT FOR CERTAIN PURCHASERS — SPECIAL RULES FOR ERROR CORRECTIONS — REFUND NOT ALLOWED, WHEN — TAXES PAID MORE THAN ONCE, EFFECT OF. —** 1. If a tax has been incorrectly computed by reason of a clerical error or mistake on the part of the director of revenue, such fact shall be set forth in the records of the director of revenue, and the amount of the overpayment shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.525, and the balance shall be refunded to the person legally obligated to remit the tax, such person's administrators or executors, as provided for in section 144.200.

2. If any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected, or has been erroneously or illegally computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.525, and the balance, with interest as determined by section 32.065, RSMo, shall be refunded to the person legally obligated to remit the tax, but no such credit or refund shall be allowed unless duplicate copies of a claim for refund are filed within three years from date of overpayment.

3. Every claim for refund must be in writing and signed by the applicant, and must state the specific grounds upon which the claim is founded. Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered in any action brought by the director of revenue against the person legally obligated to remit the tax. In the event that a tax has been illegally imposed against a person legally obligated to remit the tax, the director of revenue shall authorize the cancellation of the tax upon the director's record.

4. Notwithstanding the provisions of this section, the director of revenue shall authorize direct-pay agreements to purchasers which have annual purchases in excess of seven hundred fifty thousand dollars pursuant to rules and regulations adopted by the director of revenue. For

the purposes of such direct-pay agreements, the taxes authorized pursuant to chapters 66, 67, 70, 92, 94, 162, 190, 238, 321, and 644, RSMo, shall be remitted based upon the location of the place of business of the purchaser.

5. Special rules applicable to error corrections requested by customers of mobile telecommunications service are as follows:

(1) For purposes of this subsection, the terms "customer", "home service provider", "place of primary use", "electronic database", and "enhanced zip code" shall have the same meanings as defined in the Mobile Telecommunications Sourcing Act incorporated by reference in section 144.013;

(2) Notwithstanding the provisions of this section, if a customer of mobile telecommunications services believes that the amount of tax, the assignment of place of primary use or the taxing jurisdiction included on a billing is erroneous, the customer shall notify the home service provider, in writing, within three years from the date of the billing statement. The customer shall include in such written notification the street address for the customer's place of primary use, the account name and number for which the customer seeks a correction of the tax assignment, a description of the error asserted by the customer and any other information the home service provider reasonably requires to process the request;

(3) Within sixty days of receiving the customer's notice, the home service provider shall review its records and the electronic database or enhanced zip code to determine the customer's correct taxing jurisdiction. If the home service provider determines that the review shows that the amount of tax, assignment of place of primary use or taxing jurisdiction is in error, the home service provider shall correct the error and, at its election, either refund or credit the amount of tax erroneously collected to the customer for a period of up to three years from the last day of the home service provider's sixty-day review period. If the home service provider determines that the review shows that the amount of tax, the assignment of place of primary use or the taxing jurisdiction is correct, the home service provider shall provide a written explanation of its determination to the customer.

**6. For all refund claims submitted to the department of revenue on or after September 1, 2003, notwithstanding any provision of this section to the contrary, if a person legally obligated to remit the tax levied pursuant to sections 144.010 to 144.525 has received a refund of such taxes for a specific issue and submits a subsequent claim for refund of such taxes on the same issue for a tax period beginning on or after the date the original refund check issued to such person, no refund shall be allowed. This subsection shall not apply and a refund shall be allowed if an additional refund claim is filed due to any of the following:**

**(1) Receipt of additional information or an exemption certificate from the purchaser of the item at issue;**

**(2) A decision of a court of competent jurisdiction or the administrative hearing commission; or**

**(3) Changes in regulations or policy by the department of revenue.**

**7. Notwithstanding any provision of law to the contrary, the director of revenue shall respond to a request for a binding letter ruling filed in accordance with section 536.021, RSMo, within sixty days of receipt of such request. If the director of revenue fails to respond to such letter ruling request within sixty days of receipt by the director, the director of revenue shall be barred from pursuing collection of any assessment of sales or use tax with respect to the issue which is the subject of the letter ruling request. For purposes of this subsection, the term "letter ruling" means a written interpretation of law by the director to a specific set of facts provided by a specific taxpayer or his or her agent.**

**8. If any tax was paid more than once, was incorrectly collected, or was incorrectly computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.510, against any deficiency**

or tax due discovered through an audit of the person by the department of revenue through adjustment during the same tax filing period for which the audit applied.

**144.250. FAILURE TO FILE RETURN OR PAY TAX — MONETARY PENALTY, ASSESSMENT — DIRECTOR TO ESTIMATE DELINQUENCY — WRITTEN NOTICE, HOW SERVED — PENALTIES FOR MOTOR VEHICLES DOUBLED, WHEN. —**

1. In case of failure to file any return required under sections 144.010 to 144.525 on or before the date prescribed therefor, determined with regard to any extension of time for making a return, unless it is shown that such failure is due to reasonable cause and not the result of willful neglect, evasion or fraudulent intent, there shall be added to the amount required to be shown as tax on such return five percent of the amount of such tax if the failure is not for more than one month, with an additional five percent for each additional month or fraction thereof during which such failure continues, not exceeding twenty-five percent in the aggregate, except that when the gross sales tax exceeds two hundred fifty dollars in any one month, requiring the taxpayer to file a monthly return, there shall be no late penalty assessed for the first month in which the return is due. For purposes of this section, the amount of tax required to be shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the date prescribed for payment of the tax.

2. In case of failure to pay the full amount of tax required under sections 144.010 to 144.525 on or before the date prescribed therefor, determined with regard to any extension of time for payment, unless it is shown that such failure is due to reasonable cause and not the result of willful neglect, evasion or fraudulent intent, there shall be added to the tax an amount equal to five percent of the deficiency. If additions to tax are assessed under authority of this subsection, additions to tax may not be assessed by the director under authority of subsection 3 of this section.

3. In the case of failure to pay the full amount of tax required under sections 144.010 to 144.525 on or before the date prescribed therefor, determined with regard to any extension of time for payment, due to negligence or intentional disregard of rules and regulations, but without intent to defraud, there shall be added to the tax an amount equal to five percent of the deficiency. The director shall, upon request by a taxpayer, apprise the taxpayer of the factual basis for the finding of negligence, or the specific rules or regulations disregarded if the director assesses a penalty under this subsection. Rules or regulations which have been determined to be inconsistent with the laws of this state, by either the courts of this state or the administrative hearing commission, may not be cited as the basis for an addition to tax under this section. If additions to tax are assessed under authority of this subsection, additions to tax may not be assessed by the director under authority of subsection 2 of this section.

4. Except in cases of fraud or evasion, if a person neglects or refuses to make a return and payment as required by sections 144.010 to 144.525, the director of revenue shall make an estimate based upon any information in his possession or that may come into his possession of the amount of the gross receipts of the delinquent for the period in respect to which he failed to make return and payment, and upon the basis of said estimated amount compute and assess the tax payable by the delinquent; such estimate may be reconstructed for that period of time for which the tax may be collected as prescribed by law.

5. Promptly thereafter, the director of revenue shall give to the delinquent written notice of such estimated assessment, the notice to be served personally or by certified or registered mail at his or its last known address.

6. The penalties and additions to tax authorized under this section shall be in addition to the interest provided for in this chapter.

**7. The penalties or additions to tax authorized pursuant to this section for all taxes on motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors pursuant to subdivision (1) of subsection 1 of section 144.020 and section 144.440 shall be doubled as of November 1, 2003.**

**191.831. HEALTH INITIATIVES FUND ESTABLISHED, USE — ALT-CARE PILOT PROGRAM, COMPONENTS — PARTICIPATION MAY BE REQUIRED.** — 1. There is hereby established in the state treasury a "Health Initiatives Fund", to which shall be deposited all revenues designated for the fund under subsection 8 of [sections] **section 149.015, RSMo, and subsection 3 of section 149.160, RSMo, and section 167.609, RSMo, and all other funds donated to the fund or otherwise deposited pursuant to law.** The state treasurer shall administer the fund. Money in the fund shall be appropriated to provide funding for implementing the new programs and initiatives established by sections 105.711 and 105.721, RSMo. The moneys in the fund may further be used to fund those programs established by sections 191.411, 191.520 and 191.600, sections 208.151 and 208.152, RSMo, and sections 103.178, RSMo, 143.999, RSMo, 167.600 to 167.621, RSMo, 188.230, RSMo, 191.211, 191.231, 191.825 to 191.839, RSMo, 192.013, RSMo, 208.177, 208.178, 208.179 and 208.181, RSMo, 211.490, RSMo, 285.240, RSMo, 337.093, RSMo, 374.126, RSMo, 376.891 to 376.894, RSMo, 431.064, RSMo, 660.016, 660.017 and 660.018, RSMo; in addition, not less than fifteen percent of the proceeds deposited to the health initiative fund pursuant to sections 149.015 and 149.160, RSMo, shall be appropriated annually to provide funding for the C-STAR substance abuse rehabilitation program of the department of mental health, or its successor program, and a C-STAR pilot project developed by the director of the division of alcohol and drug abuse and the director of the department of corrections as an alternative to incarceration, as provided in subsections 2, 3, and 4 of this section. Such pilot project shall be known as the "Alt-care" program. In addition, [five percent of the] **some of the** proceeds deposited to the health initiatives fund pursuant to sections 149.015 and 149.160, RSMo, shall be appropriated annually to the division of alcohol and drug abuse of the department of mental health to be used for [a pilot project to provide access to treatment and rehabilitation services by persons referred to such programs by an alcohol or drug related traffic offender education or rehabilitation program pursuant to sections 302.540, RSMo, 577.049 and 577.520, RSMo] **the administration and oversight of the substance abuse traffic offenders program defined in section 302.010, RSMo, and section 577.001, RSMo.** The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in the health initiatives fund shall not be transferred at the close of the biennium to the general revenue fund.

2. The director of the division of alcohol and drug abuse and the director of the department of corrections shall develop and administer a pilot project to provide a comprehensive substance abuse treatment and rehabilitation program as an alternative to incarceration, hereinafter referred to as "Alt-care". Alt-care shall be funded using money provided under subsection 1 of this section through the Missouri Medicaid program, the C-STAR program of the department of mental health, and the division of alcohol and drug abuse's purchase-of-service system. Alt-care shall offer a flexible combination of clinical services and living arrangements individually adapted to each client and her children. Alt-care shall consist of the following components:

- (1) Assessment and treatment planning;
- (2) Community support to provide continuity, monitoring of progress and access to services and resources;
- (3) Counseling from individual to family therapy;
- (4) Day treatment services which include accessibility seven days per week, transportation to and from the Alt-care program, weekly drug testing, leisure activities, weekly events for families and companions, job and education preparedness training, peer support and self-help and daily living skills; and
- (5) Living arrangement options which are permanent, substance-free and conducive to treatment and recovery.

3. Any female who is pregnant or is the custodial parent of a child or children under the age of twelve years, and who has pleaded guilty to or found guilty of violating the provisions of chapter 195, RSMo, and whose controlled substance abuse was a precipitating or contributing factor in the commission of the offense, and who is placed on probation may be required, as a

condition of probation, to participate in Alt-care, if space is available in the pilot project area. Determinations of eligibility for the program, placement, and continued participation shall be made by the division of alcohol and drug abuse, in consultation with the department of corrections.

4. The availability of space in Alt-care shall be determined by the director of the division of alcohol and drug abuse in conjunction with the director of the department of corrections. If the sentencing court is advised that there is no space available, the court shall consider other authorized dispositions.

**208.565. REBATES, AMOUNT, USE OF.** — 1. The division shall negotiate with manufacturers for participation in the program. The division shall issue a certificate of participation to pharmaceutical manufacturers participating in the Missouri Senior Rx program. A pharmaceutical manufacturer may apply for participation in the program with an application form prescribed by the commission. A certificate of participation shall remain in effect for an initial period of not less than one year and shall be automatically renewed unless terminated by either the manufacturer or the state with sixty days' notification.

2. **For all transactions occurring prior to July 1, 2003, the rebate amount for each drug shall be fifteen percent of the average manufacturers' price as defined pursuant to 42 U.S.C. 1396r-8(k)(1). For all transactions occurring on or after July 1, 2003, the rebate amount for [each drug] name brand prescription drugs shall be fifteen percent and the rebate amount for generic prescription drugs shall be eleven percent** of the average manufacturers' price as defined pursuant to 42 U.S.C. 1396r-8(k)(1). No other discounts shall apply. In order to receive a certificate of participation a manufacturer or distributor participating in the Missouri Senior Rx program shall provide the division of aging the average manufacturers' price for their contracted products. The following shall apply to the providing of average manufacturers' price information to the division of aging:

(1) Any manufacturer or distributor with an agreement under this section that knowingly provides false information is subject to a civil penalty in an amount not to exceed one hundred thousand dollars for each provision of false information. Such penalties shall be in addition to other penalties as prescribed by law;

(2) Notwithstanding any other provision of law, information disclosed by manufacturers or wholesalers pursuant to this subsection or under an agreement with the division pursuant to this section is confidential and shall not be disclosed by the division or any other state agency or contractor therein in any form which discloses the identity of a specific manufacturer or wholesaler or prices charged for drugs by such manufacturer or wholesaler, except to permit the state auditor to review the information provided and the division of medical services for rebate administration.

3. All rebates received through the program shall be used toward refunding the program. If a pharmaceutical manufacturer refuses to participate in the rebate program, such refusal shall not affect the manufacturer's status under the current Medicaid program. There shall be no drug formulary, prior approval system, or any similar restriction imposed on the coverage of outpatient drugs made by pharmaceutical manufacturers who have agreements to pay rebates for drugs utilized in the Missouri Senior Rx program, provided that such outpatient drugs were approved by the Food and Drug Administration.

4. Any prescription drug of a manufacturer that does not participate in the program shall not be reimbursable.

**301.190. CERTIFICATE OF OWNERSHIP — APPLICATION, CONTENTS — SPECIAL REQUIREMENTS, CERTAIN VEHICLES — FEES — FAILURE TO OBTAIN WITHIN TIME LIMIT, DELINQUENCY PENALTY — DURATION OF CERTIFICATE — UNLAWFUL TO OPERATE WITHOUT CERTIFICATE — CERTAIN VEHICLES BROUGHT INTO STATE IN A WRECKED OR DAMAGED CONDITION OR AFTER BEING TOWED, INSPECTION — CERTAIN VEHICLES**

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**PREVIOUSLY REGISTERED IN OTHER STATES, DESIGNATION.** — 1. No certificate of registration of any motor vehicle or trailer, or number plate therefor, shall be issued by the director of revenue unless the applicant therefor shall make application for and be granted a certificate of ownership of such motor vehicle or trailer, or shall present satisfactory evidence that such certificate has been previously issued to the applicant for such motor vehicle or trailer. Application shall be made within thirty days after the applicant acquires the motor vehicle or trailer upon a blank form furnished by the director of revenue and shall contain the applicant's identification number, a full description of the motor vehicle or trailer, the vehicle identification number, and the mileage registered on the odometer at the time of transfer of ownership, as required by section 407.536, RSMo, together with a statement of the applicant's source of title and of any liens or encumbrances on the motor vehicle or trailer, provided that for good cause shown the director of revenue may extend the period of time for making such application.

2. The director of revenue shall use reasonable diligence in ascertaining whether the facts stated in such application are true and shall, to the extent possible without substantially delaying processing of the application, review any odometer information pertaining to such motor vehicle that is accessible to the director of revenue. If satisfied that the applicant is the lawful owner of such motor vehicle or trailer, or otherwise entitled to have the same registered in his name, the director shall thereupon issue an appropriate certificate over his signature and sealed with the seal of his office, procured and used for such purpose. The certificate shall contain on its face a complete description, vehicle identification number, and other evidence of identification of the motor vehicle or trailer, as the director of revenue may deem necessary, together with the odometer information required to be put on the face of the certificate pursuant to section 407.536, RSMo, a statement of any liens or encumbrances which the application may show to be thereon, and, if ownership of the vehicle has been transferred, the name of the state issuing the transferor's title and whether the transferor's odometer mileage statement executed pursuant to section 407.536, RSMo, indicated that the true mileage is materially different from the number of miles shown on the odometer, or is unknown.

3. The director of revenue shall appropriately designate on the current and all subsequent issues of the certificate the words "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor Vehicle", as defined in section 301.010. Effective July 1, 1990, on all original and all subsequent issues of the certificate for motor vehicles as referenced in subsections 2 and 3 of section 301.020, the director shall print on the face thereof the following designation: "Annual odometer updates may be available from the department of revenue.". On any duplicate certificate, the director of revenue shall reprint on the face thereof the most recent of either:

(1) The mileage information included on the face of the immediately prior certificate and the date of purchase or issuance of the immediately prior certificate; or

(2) Any other mileage information provided to the director of revenue, and the date the director obtained or recorded that information.

4. The certificate of ownership issued by the director of revenue shall be manufactured in a manner to prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge such certificate without ready detection. In order to carry out the requirements of this subsection, the director of revenue may contract with a nonprofit scientific or educational institution specializing in the analysis of secure documents to determine the most effective methods of rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in addition to the fee for registration of such motor vehicle or trailer. If application for the certificate is not made within thirty days after the vehicle is acquired by the applicant, a delinquency penalty fee of twenty-five dollars for the first thirty days of delinquency and twenty-five dollars for each thirty days of delinquency thereafter, not to exceed a total of one hundred dollars **before November 1, 2003, and not to exceed a total of two hundred dollars on or after November 1, 2003**, shall be imposed, but such penalty may be waived by the director for a good cause

shown. If the director of revenue learns that any person has failed to obtain a certificate within thirty days after acquiring a motor vehicle or trailer or has sold a vehicle without obtaining a certificate, he shall cancel the registration of all vehicles registered in the name of the person, either as sole owner or as a co-owner, and shall notify the person that the cancellation will remain in force until the person pays the delinquency penalty fee provided in this section, together with all fees, charges and payments which he should have paid in connection with the certificate of ownership and registration of the vehicle. The certificate shall be good for the life of the motor vehicle or trailer so long as the same is owned or held by the original holder of the certificate and shall not have to be renewed annually.

6. Any applicant for a certificate of ownership requesting the department of revenue to process an application for a certificate of ownership in an expeditious manner requiring special handling shall pay a fee of five dollars in addition to the regular certificate of ownership fee.

7. It is unlawful for any person to operate in this state a motor vehicle or trailer required to be registered under the provisions of the law unless a certificate of ownership has been issued as herein provided.

8. Before an original Missouri certificate of ownership is issued, an inspection of the vehicle and a verification of vehicle identification numbers shall be made by the Missouri state highway patrol on vehicles for which there is a current title issued by another state if a Missouri salvage certificate of title has been issued for the same vehicle but no prior inspection and verification has been made in this state, except that if such vehicle has been inspected in another state by a law enforcement officer in a manner comparable to the inspection process in this state and the vehicle identification numbers have been so verified, the applicant shall not be liable for the twenty-five dollar inspection fee if such applicant submits proof of inspection and vehicle identification number verification to the director of revenue at the time of the application. The applicant, who has such a title for a vehicle on which no prior inspection and verification have been made, shall pay a fee of twenty-five dollars for such verification and inspection, payable to the director of revenue at the time of the request for the application, which shall be deposited in the state treasury to the credit of the state highway fund.

9. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director of revenue, shall be accompanied by a vehicle examination certificate issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The vehicle examination shall include a verification of vehicle identification numbers and a determination of the classification of the vehicle. The owner of a vehicle which requires a vehicle examination certificate shall present the vehicle for examination and obtain a completed vehicle examination certificate prior to submitting an application for a certificate of ownership to the director of revenue. The fee for the vehicle examination application shall be twenty-five dollars and shall be collected by the director of revenue at the time of the request for the application and shall be deposited in the state treasury to the credit of the state highway fund.

10. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, it shall be accompanied by a current inspection form certified by a duly authorized official inspection station as described in chapter 307, RSMo. The completed form shall certify that the manufacturer's identification number for the vehicle has been inspected, that it is correctly displayed on the vehicle and shall certify the reading shown on the odometer at the time of inspection. The inspection station shall collect the same fee as authorized in section 307.365, RSMo, for making the inspection, and the fee shall be deposited in the same manner as provided in section 307.365, RSMo. If the vehicle is also to be registered in Missouri, the safety and emissions inspections required in chapter 307, RSMo, shall be completed and only the fees required by sections 307.365 and 307.366, RSMo, shall be charged to the owner. This section shall not apply to vehicles being transferred on a manufacturer's statement of origin.

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11. Motor vehicles brought into this state in a wrecked or damaged condition or after being towed as an abandoned vehicle pursuant to another state's abandoned motor vehicle procedures shall, in lieu of the inspection required by subsection 10 of this section, be inspected by the Missouri state highway patrol in accordance with subsection 9 of this section. If the inspection reveals the vehicle to be in a salvage or junk condition, the director shall so indicate on any Missouri certificate of ownership issued for such vehicle. Any salvage designation shall be carried forward on all subsequently issued certificates of title for the motor vehicle.

12. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the name of the issuing state and such prior designation.

13. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as non-USA-std motor vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the words "Non-USA-Std Motor Vehicle".

14. The director of revenue and the superintendent of the Missouri state highway patrol shall make and enforce rules for the administration of the inspections required by this section.

**302.304. NOTICE OF POINTS — SUSPENSION OR REVOCATION OF LICENSE, WHEN, DURATION — REINSTATEMENT, CONDITION, POINT REDUCTION, FEE — FAILURE TO MAINTAIN PROOF OF FINANCIAL RESPONSIBILITY, EFFECT — POINT REDUCTION PRIOR TO CONVICTION, EFFECT — SURRENDER OF LICENSE — REINSTATEMENT OF LICENSE WHEN DRUGS OR ALCOHOL INVOLVED, ASSIGNMENT RECOMMENDATION, JUDICIAL REVIEW — FEES FOR PROGRAM — SUPPLEMENTAL FEES.** — 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, and is otherwise eligible, shall be reinstated as follows:

(1) In the case of an initial suspension, thirty days after the effective date of the suspension;  
(2) In the case of a second suspension, sixty days after the effective date of the suspension;  
(3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension. Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined in section 302.010. Upon completion of such period of restricted driving privilege, upon

compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, the license and driving privilege shall be reinstated.

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303, RSMo, and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the armed forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the armed forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a limited driving privilege granted by a court or the director of revenue.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and

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successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (22) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023, RSMo, or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee [of sixty dollars] **in an amount to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001, RSMo, or a program determined to be comparable by the department of mental health.** The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health **on or before the fifteenth day of each month** the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. **Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section shall accrue at a rate not to exceed the annual rate established pursuant to the provisions of section 32.065, RSMo, plus three percentage points.** The supplemental fees **and any interest** received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo.

16. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. **If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.**

**302.540. REINSTATEMENT OF LICENSE — COMPLETION OF SUBSTANCE ABUSE TRAFFIC OFFENDER PROGRAM A CONDITION — INDIVIDUAL ASSESSMENT, JUDICIAL REVIEW — FEES AND COST, DISTRIBUTION OF — TREATMENT DEMONSTRATION PROJECT MAY BE CREATED.**  
— 1. No person who has had a license to operate a motor vehicle suspended or revoked under the provisions of sections 302.500 to 302.540 shall have that license reinstated until such person

has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of **mental health**. Assignment recommendations, based upon the needs assessment as described in subdivision (22) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023, RSMo, or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

2. The fees for the program authorized in subsection 1 of this section, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee [of sixty dollars] **to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001, RSMo, or a program determined to be comparable by the department of mental health.** The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health **on or before the fifteenth day of each month** the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. **Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established pursuant to the provision of section 32.065, RSMo, plus three percentage points.** The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo.

3. **Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.**

[3.] 4. Court-ordered participation in a substance abuse traffic offender program, pursuant to section 577.049, RSMo, shall satisfy the requirements of this section if the court action arose out of the same occurrence that resulted in a person's license being administratively suspended or revoked.

[4.] 5. The division of alcohol and drug abuse of the department of mental health may create a treatment demonstration project within existing appropriations and shall develop and certify a program to provide education or rehabilitation services for individuals determined by the division to be serious or repeat offenders. The program shall qualify as a substance abuse traffic offender program. As used in this subsection, a "serious or repeat offender" is one who was determined to have a blood alcohol content of fifteen-hundredths of one percent or more by weight while operating a motor vehicle or a prior or persistent offender as defined in section 577.023, RSMo.

**306.016. UNITED STATES COAST GUARD DOCUMENTED VESSELS, CERTIFICATE OF REGISTRATION, REQUIREMENTS — FEES AND TAXES — DURATION — TEMPORARY REGISTRATION — TERMINATION — AVAILABILITY FOR INSPECTION.** — 1. By January 1, 1995, the owner of any vessel documented by the United States Coast Guard on August 28, 1994, and the new owner of any vessel purchased after August 28, 1994, who upon the sale or transfer of the vessel desires to document the vessel with the United States Coast Guard, shall apply for a vessel certificate of registration and pay a certification fee of seven dollars and fifty cents, an initial registration fee in an amount equal to the amount required for a certificate of number under section 306.030 and all applicable state and local or in lieu watercraft taxes as provided by law in effect on the date the vessel was documented or submit proof that all applicable registration fees have been paid to the department of revenue and all applicable taxes or in lieu watercraft taxes have been paid in this or another state. Such application shall include the county in which such vessel will be normally maintained by the new owner. A certificate of registration and a set of registration decals in a form the director shall prescribe shall be issued for a documented vessel. A Missouri resident shall make application for a vessel certificate of registration within thirty days of acquiring or bringing the vessel into this state. A nonresident shall make application for a vessel certificate of registration within sixty days after acquiring a vessel in this state or bringing a vessel into this state if the vessel will be kept in this state for a period in excess of sixty consecutive days. A delinquency penalty fee of ten dollars shall be imposed for each thirty days of delinquency, not to exceed a total of thirty dollars. If the director of revenue learns that any person has failed to make application for a vessel certificate of registration in accordance with this section or has sold a vessel documented by the United States Coast Guard without obtaining a certificate of registration as provided in this section, the director shall cancel the registration of all vessels and outboard motors registered in the name of the person, either as sole owner or a co-owner, and shall notify the person that the cancellation will remain in force until the person pays the delinquency penalty fee together with all fees, charges, and payments which the person should have paid in connection with the vessel certificate of registration.

2. A boat or vessel documented by the United States Coast Guard or other agency of the federal government and operated on the waters of this state shall not be liable for the payment of any state or local sales or use tax on the purchase, but shall be liable for the payment of an in lieu watercraft tax, which is hereby imposed. **The fee in lieu of tax imposed pursuant to this section shall not apply to United States Coast Guard registered vessels purchased for purposes of marine construction including, but not limited to, barges, dredges, marine cranes, and other marine equipment utilized for construction or dredging of waterways.** The in lieu watercraft tax shall be collected by the director of revenue and deposited in the state treasury to the credit of general revenue and shall be appropriated for use by the Missouri state water patrol. Watercraft dealers in this state shall report to the director of revenue on forms furnished by the director the sale of each watercraft sold to a resident of this state. If the watercraft is registered and licensed pursuant to the provisions of this chapter and all applicable sales taxes have been paid, the director shall not collect the in lieu tax imposed by this subsection. If the watercraft is registered with the United States Coast Guard or other agency of the federal government and not under the provisions of this chapter the director shall bill the purchaser of

the watercraft for the in lieu tax imposed by this subsection. Any person who fails to pay the in lieu tax due under this section, within thirty days after receipt of the bill from the director of revenue, shall be liable to the same penalties imposed by law for failure to pay sales and use taxes due the state. The in lieu tax shall be determined as follows:

PURCHASE PRICE OF WATERCRAFT	TAX DUE
[\$50,000 or less	\$ 650.00
\$50,001 to \$100,000	1,250.00
\$100,001 to \$150,000	1,850.00
\$150,001 to \$200,000	2,450.00
\$200,001 and above	3,050.00]
<b>Less than \$15,000</b>	<b>\$ 500.00</b>
<b>\$15,001 to \$30,000</b>	<b>650.00</b>
<b>\$30,001 to \$50,000</b>	<b>1,000.00</b>
<b>\$50,001 to \$100,000</b>	<b>1,400.00</b>
<b>\$100,001 to \$150,000</b>	<b>2,000.00</b>
<b>\$150,001 to \$200,000</b>	<b>3,000.00</b>
<b>\$200,001 to \$250,000</b>	<b>4,000.00</b>
<b>\$250,001 to \$300,000</b>	<b>5,000.00</b>
<b>\$300,001 to \$350,000</b>	<b>5,500.00</b>
<b>\$350,001 to \$400,000</b>	<b>6,000.00</b>
<b>\$400,001 to \$450,000</b>	<b>6,500.00</b>
<b>\$450,001 to \$500,000</b>	<b>7,500.00</b>
<b>\$500,001 to \$550,000</b>	<b>8,500.00</b>
<b>\$550,001 to \$650,000</b>	<b>9,500.00</b>
<b>\$650,001 to \$750,000</b>	<b>10,500.00</b>
<b>\$750,001 and above</b>	<b>add an additional 1,500.00</b>
	<b>for each \$100,000 increment</b>

3. The registration decals for any vessel documented by the United States Coast Guard shall be in force and effect for a period of three years so long as the vessel is owned or held by the original holder of the certificate of registration and shall be renewed upon application and payment of a registration renewal fee equal to the amount required for a certificate of number under section 306.030. The owner shall attach the registration decals to both sides of the forward half of the bow of the documented vessel in a place that is fully visible.

4. The department of revenue may issue a temporary vessel certificate of registration authorizing the operation of a vessel to be documented by the United States Coast Guard for not more than sixty days. The temporary registration shall be made available by the department of revenue and may be purchased from the department of revenue or from a dealer upon proof of purchase of a vessel. The department shall make temporary certificates of registration available to registered dealers in this state in sets of ten. The fee for the temporary certificates of registration shall be five dollars each. No dealer shall charge more than five dollars for each temporary certificate of registration issued. The temporary registration shall be valid for a period of sixty days from the date of issuance by the department of revenue to the purchaser of the vessel or from the date of sale of the vessel by a dealer from which the purchaser obtains a certificate of registration. The temporary certificate of registration shall be issued on a form prescribed by the department of revenue and issued only for the purchaser's use in the operation of the vessel purchased to enable the purchaser to legally operate the vessel while a certificate of registration is being obtained, and shall be displayed on no other vessel. Temporary certificates of registration issued under this section shall not be transferable or renewable and shall not be valid upon issuance of a proper certificate of registration. The dealer or authorized agent shall insert the date of issuance and expiration date, year, make and the manufacturer's identification number of the vessel on the temporary registration when issued to the purchaser. The dealer shall complete the information on the temporary registration in full. Every dealer that

issues a temporary certificate of registration shall keep, for inspection by authorized officers, a correct record of each temporary certificate of registration issued by the dealer by recording the registration number, purchaser's name and address, year, make and manufacturer's identification number of the vessel on which the temporary certificate of registration is to be used and the date of issuance.

5. Upon the sale or transfer of any vessel documented by the United States Coast Guard for which a certificate of registration has been issued, the registration shall be terminated. If the new owner elects to have the vessel documented by the United States Coast Guard, the new owner shall submit, in addition to the properly assigned certificate of registration, proof of release from the documentation provided by the United States Coast Guard and shall comply with the provisions of this section. If the new owner elects not to document the vessel with the United States Coast Guard, the owner shall comply with the applicable provisions of this chapter.

6. The certificate of registration shall be available at all times for inspection on the vessel for which it is issued, whenever the vessel is in operation.

**313.826. TAX WITHHOLDINGS, ELECTRONIC GAMING DEVICE JACKPOTS AND TABLE GAME JACKPOTS IN EXCESS OF CERTAIN AMOUNT, PERCENTAGE. — Each excursion gambling boat licensed by the commission shall withhold for state income tax purposes from electronic gaming device jackpots or table game jackpots of twelve hundred dollars or more an amount equal to four percent of the prize. Withholdings made pursuant to this section shall be subject to the withholding tax provisions pursuant to sections 143.191 to 143.261, RSMo, including section 143.261, RSMo.**

**338.520. CALCULATION OF TAX LIABILITY — NOTIFICATION TO PHARMACIES — QUARTERLY ADJUSTMENT AUTHORIZED. — 1.** The determination of the amount of tax due shall be the monthly gross retail prescription receipts reported to the department of revenue multiplied by the tax rate established by rule by the department of social services. Such tax rate may be a graduated rate based on gross retail prescription receipts and shall not exceed a rate of six percent per annum of gross retail prescription receipts; provided, that such rate shall not exceed one-tenth of one percent per annum in the case of licensed pharmacies of which eighty percent or more of such gross receipts are attributable to prescription drugs that are delivered directly to the patient via common carrier, by mail, or a courier service.

2. The department of social services shall notify each licensed retail pharmacy of the amount of tax due. Such amount may be paid in increments over the balance of the assessment period.

3. The department of social services may adjust the tax rate quarterly on a prospective basis. The department of social services may adjust more frequently for individual providers if there is a substantial and statistically significant change in their pharmacy sales characteristics. The department of social services may define such adjustment criteria by rule.

**338.550. EXPIRATION DATE OF TAX, WHEN. — 1.** The pharmacy tax required by sections 338.500 to 338.550 shall [be the subject of an annual health care cost impact study commissioned by the department of insurance to be completed prior to or on January 1, 2003, and each year the tax is in effect. The report shall be submitted to the speaker of the house, president pro tem of the senate, and the governor. This study shall employ an independent economist and an independent actuary paid for by the state's department of social services. The department shall seek the advice and input from the department of social services, business health care purchasers, as well as health care insurers in the selection of the economist and actuary. This study shall assess the degree of health care costs shifted to individual Missourians and individual and group health plans resulting from this tax.

2.] expire ninety days after any one or more of the following conditions are met:

(1) The aggregate dispensing fee as appropriated by the general assembly paid to pharmacists per prescription is less than the fiscal year 2003 dispensing fees reimbursement amount; or

(2) The formula used to calculate the reimbursement as appropriated by the general assembly for products dispensed by pharmacies and results in lower reimbursement to the pharmacist in the aggregate than provided in fiscal year 2003; or

(3) June 30, 2005.

The director of the department of social services shall notify the revisor of statutes of the expiration date as provided in this subsection. The provisions of sections 338.500 to 338.550 shall not apply to pharmacies domiciled or headquartered outside this state which are engaged in prescription drug sales that are delivered directly to patients within this state via common carrier, mail or a carrier service.

[3.] 2. Sections 338.500 to 338.550 shall expire on June 30, [2003] 2005.

**339.105. SEPARATE BANK ESCROW ACCOUNTS REQUIRED — SERVICE CHARGES FOR ACCOUNT MAY BE MADE BY PERSONAL DEPOSIT BY BROKER, AMOUNT ALLOWED.** — 1. Each broker **who holds funds belonging to another** shall maintain **such funds in** a separate bank [checking] account in a financial institution[, either a bank, savings and loan association or a credit union in this state, or in an adjoining state with written permission of the commission,] which shall be designated an escrow or trust account [in which all money not his own coming into his possession, including]. **This requirement includes** funds in which he **or she** may have some future interest or claim[.]. **Such funds** shall be deposited promptly unless all parties having an interest in the funds have agreed otherwise in writing. No broker shall commingle his **or her** personal funds or other funds in this account with the exception that a broker may deposit and keep a sum not to exceed [five hundred] **one thousand** dollars in the account from his **or her** personal funds, which sum shall be specifically identified and deposited to cover service charges related to the account. [The commission may, by written waiver issued for good cause as defined by rule and regulation, relieve a broker from the obligation to maintain a separate escrow or trust account.]

2. [Before issuance of a broker license,] Each broker shall notify the commission of the name of **his or her intent not to maintain an escrow account, or the name of** the financial institution in which each escrow or trust account is maintained, the name and number of each such account, and shall file written authorization directed to each financial institution to allow the commission or its authorized representative to examine each such account; such notification and authorization shall be submitted on forms provided therefor by the commission [but shall not be required in any case where maintenance of an escrow or trust account has been waived pursuant to subsection 1 of this section]. A broker shall notify the commission within [fifteen] **ten business** days of any change of **his or her intent to maintain an escrow account, the** financial institution [or], account numbers, **or change in account status.**

3. In conjunction with each escrow or trust account a broker shall maintain [at his usual place of business,] books, records, contracts and other necessary documents so that the adequacy of said account may be determined at any time. The account and other records shall be [open] **provided** to [inspection by] the commission and its duly authorized agents **for inspection** at all times during regular business hours at the broker's usual place of business.

4. **Whenever the ownership of any escrow moneys received by a broker pursuant to this section is in dispute by the parties to a real estate sales transaction, the broker shall report and deliver the moneys to the state treasurer within three hundred sixty-five days of the date of the initial projected closing date in compliance with sections 447.500 to 447.595, RSMo. The parties to a real estate sales transaction may agree in writing that the funds are not in dispute and shall notify the broker who is holding the funds.**

5. A broker shall not be entitled to any [part of the earnest] money or other money paid to him **or her** in connection with any real estate **sales** transaction as part or all of his **or her**

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commission or fee until the transaction has been consummated or terminated, unless agreed in writing by all parties to the transaction.

[5.] 6. When, through investigations or otherwise, the commission has reasonable cause to believe that a licensee has acted, is acting or is about to act in violation of this section, the commission may, through the attorney general or any [of his] assistants designated by [him] **the attorney general**, proceed in the name of the commission to institute suit to enjoin any act or acts in violation of this section.

[6.] 7. Any such suit shall be commenced in either the county in which the defendant resides or in the county in which the defendant has acted, is acting or is about to act in violation of this section.

[7.] 8. In such proceeding, the court shall have power to issue such temporary restraining or injunction orders, without bond, which are necessary to protect the public interest. Any action brought under this section shall be in addition to and not in lieu of any other provisions of this chapter. In such action, the commission or the state need not allege or prove that there is no adequate remedy at law or that any individual has suffered any economic injury as a result of the activity sought to be enjoined.

**351.120. ANNUAL CORPORATE REGISTRATION REPORT REQUIRED, WHEN — CHANGE IN REGISTERED OFFICE OR AGENT TO BE FILED WITH ANNUAL REPORT.** — 1. Every corporation organized pursuant to the laws of this state, including corporations organized pursuant to or subject to this chapter, and every foreign corporation licensed to do business in this state, whether such license shall have been issued pursuant to this chapter or not, other than corporations exempted from taxation by the laws of this state, shall file an annual corporation registration report.

2. The annual corporate registration report shall state the corporate name, the name of its registered agent and such agent's Missouri address, giving street and number, or building and number, or both, as the case may require, the name and correct business or residence address of its officers and directors, and the mailing address of the corporation's principal place of business or corporate headquarters.

3. The annual corporate registration report shall be due [on] the [date] **month** that the [corporation's franchise tax report is due as required in section 147.020, RSMo, or] **corporation incorporated or qualified. Corporations existing prior to the effective date of this section shall file the annual registration report on the month indicated on the corporation's last annual report. Corporations formed on or after the effective date of this section shall file an annual registration report** within thirty days of the date of incorporation [of the corporation. Any extension of time for filing the franchise tax report shall not apply to the due date of the annual corporation registration report. Any corporation that is not required to file a franchise tax report shall still be required to file an annual corporation registration report] **or qualification and every year thereafter in the month that they were incorporated or qualified.**

**4. The annual registration report shall be signed by an officer or authorized person.**

[4.] 5. In the event of any [change] **error** in the names and addresses of the officers and directors set forth in an annual registration report [following the required date of its filing and the date of the next such required report], the corporation may correct such information by filing a certificate of correction pursuant to section 351.049.

[5.] 6. A corporation may change the corporation's registered office or registered agent with the filing of the corporation's annual registration report. To change the corporation's registered agent with the filing of the annual registration report, the corporation must include the new registered agent's written consent to the appointment as registered agent and a written consent stating that such change in registered agents was authorized by resolution duly adopted by the board of directors. The written consent must be signed by the new registered agent and must include such agent's address. If the annual corporate registration report is not completed correctly, the secretary of state may reject the filing of such report.

[6.] 7. A corporation's annual registration report must be filed in a format as prescribed by the secretary of state.

**351.140. REGISTRATION, FORM — SUBJECT TO FALSE DECLARATION PENALTIES — NOTICE ON FORM REQUIRED.** — Each registration required by section 351.120 shall be on a form [to be supplied] **prescribed** by the secretary of state and shall be executed subject to the penalties of [making a false declaration under] section [575.060] **575.040**, RSMo, by [the president, a vice president, the secretary, an assistant secretary, the treasurer or an assistant treasurer] **an officer of the corporation or authorized person**. Whenever any corporation is in the hands of an assignee or receiver, it shall be the duty of such assignee or receiver, or one of them, if there be more than one, to register such corporation and otherwise comply with the requirements of this chapter. The forms shall bear a notice stating that false statements made therein are punishable under section 575.060, RSMo.

**351.484. GROUNDS FOR ADMINISTRATIVE DISSOLUTION.** — The secretary of state may commence a proceeding pursuant to section 351.486 to dissolve a corporation administratively if:

(1) The corporation fails to pay any final assessment of Missouri corporation franchise tax as provided in chapter 147, RSMo, and the director of revenue has notified the secretary of state of such failure;

(2) **The corporation fails or neglects to file the Missouri corporation franchise tax report required pursuant to chapter 147, RSMo, provided the director of revenue has provided a place on both the individual and corporation income tax return to indicate no such tax is due and provided the director has delivered or mailed at least two notices of such failure to file to the usual place of business of such corporation or the corporation's last known address and the corporation has failed to respond to such second notice within thirty days of the date of mailing of the second notice and the director of revenue has notified the secretary of state of such failure;**

(3) **The corporation fails to file any corporation income tax return or pay any final assessment of corporation income tax as provided in chapter 143, RSMo, and the director of revenue has notified the secretary of state of such failure;**

[(2)] (4) The corporation does not deliver its annual report to the secretary of state within thirty days after it is due;

[(3)] (5) The corporation is without a registered agent or registered office in this state for thirty days or more;

[(4)] (6) The corporation does not notify the secretary of state within thirty days that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued;

[(5)] (7) The corporation's period of duration stated in its articles of incorporation expires;

[(6)] (8) The corporation procures its franchise through fraud practiced upon the state;

[(7)] (9) The corporation has continued to exceed or abuse the authority conferred upon it by law, or has continued to violate any section or sections of the criminal law of the state of Missouri after a written demand to discontinue the same has been delivered by the secretary of state to the corporation, either personally or by mail;

[(8)] (10) The corporation fails to pay any final assessment of employer withholding tax, as provided in sections 143.191 to 143.265, RSMo, and the director of revenue has notified the secretary of state of such failure; or

[(9)] (11) The corporation fails to pay any final assessment of sales and use taxes, as provided in chapter 144, RSMo, and the director of revenue has notified the secretary of state of such failure.

**355.856. ANNUAL CORPORATE REGISTRATION REPORT.** — 1. Each domestic corporation, and each foreign corporation authorized pursuant to this chapter to transact business in this state, shall file with the secretary of state an annual corporate registration report on a form prescribed and furnished by the secretary of state that sets forth:

- (1) The name of the corporation and the state or country under whose law it is incorporated;
- (2) The address of its registered office and the name of its registered agent at the office in this state;
- (3) The address of its principal office;
- (4) The names and **physical** business or residence addresses of its directors and principal officers[;
- (5) A brief description of the nature of its activities;
- (6) Whether or not it has members;
- (7) If it is a domestic corporation, whether it is a public benefit or mutual benefit corporation; and
- (8) If it is a foreign corporation, whether it would be a public benefit or mutual benefit corporation had it been incorporated in this state].

2. The information in the annual corporate registration report must be current on the date the annual corporate registration report is executed on behalf of the corporation.

3. The first annual corporate registration report must be delivered to the secretary of state no later than August thirty-first of the year following the calendar year in which a domestic corporation was incorporated or a foreign corporation was authorized to transact business. Subsequent annual corporate registration reports must be delivered to the secretary of state no later than August thirty-first of the following calendar years. If an annual corporate registration report is not filed within the time limits prescribed by this section, the secretary of state shall not accept the report unless it is accompanied by a fifteen dollar fee. Failure to file the annual registration report as required by this section will result in the administrative dissolution of the corporation as set forth in section 355.706.

4. If an annual corporate registration report does not contain the information required by this section, the secretary of state shall promptly notify the reporting domestic or foreign corporation in writing and return the report to it for correction. [If the report is corrected to contain the information required by this section and delivered to the secretary of state within thirty days after the effective date of notice, it is deemed to be timely filed.]

5. A corporation may change the corporation's registered office or registered agent with the filing of the corporation's annual registration report. To change the corporation's registered agent with the filing of the annual registration report, the corporation must include the new registered agent's written consent to the appointment as registered agent and a written consent stating that such change in registered agents was authorized by resolution duly adopted by the board of directors. The written consent must be signed by the new registered agent and must include such agent's address. If the annual corporate registration report is not completed correctly, the secretary of state may reject the filing of such report.

6. A corporation's annual registration report must be filed in a format and medium prescribed by the secretary of state.

**7. The annual registration report shall be signed by an officer or authorized person and pursuant to this section represents that the signor believes the statements are true and correct to the best knowledge and belief of the person signing, subject to the penalties of section 575.040, RSMo.**

**356.211. ANNUAL REGISTRATION REPORT — FILED WHEN, CONTENTS — FORM — FEE — PENALTIES FOR FAILURE TO FILE OR MAKING FALSE DECLARATIONS.** — 1. Each professional corporation and each foreign professional corporation shall file with the secretary of state an annual corporation registration report [at the time the corporation's franchise tax report is due. Any extension of time for filing the franchise tax report shall not apply to the due date

of the annual corporation registration report. Any corporation that is not required to file a franchise tax report shall still be required to file an annual corporation registration report] **pursuant to section 351.120, RSMo.** The corporate registration report shall set forth the following information:

(1) The names and residence **or physical business** addresses of all officers, directors and shareholders of that professional corporation as of the date of the report;

(2) A statement that each officer, director and shareholder is or is not a qualified person as defined in sections 356.011 to 356.261, and setting forth the date on which any shares of the professional corporation were no longer owned by a qualified person, and any subsequent disposition thereof;

(3) A statement as to whether or not suit has been instituted to fix the fair value of any shares not owned by a qualified person, and if so, the date on which and the court in which the same was filed.

2. The report shall be made on a form to be prescribed and furnished by the secretary of state, and shall be executed by [the president or vice president, subject to the penalties of making a false declaration under section 575.060, RSMo. The form shall bear a notice stating that false statements made therein are punishable under section 575.060, RSMo. A reasonable] **an officer of the corporation or authorized person.**

3. A filing fee [to be set by the secretary of state] **in the amount set out in section 351.125, RSMo,** shall be paid with the filing of each report, and no other fees shall be charged therefor; except that, penalty [and interest] fees may be imposed by the secretary of state for late filings. The report shall be filed subject to the time requirements of section 351.120, RSMo.

[3.] 4. If a professional corporation or foreign professional corporation shall fail to file a report qualifying with the provisions of this section when such a filing is due, then the corporation shall be subject to the provisions of chapter 351, RSMo, that are applicable to a corporation that has failed to timely file the annual report required to be filed under chapter 351, RSMo.

**484.053. SUPREME COURT TO FURNISH DIRECTOR WITH LIST OF PERSONS CURRENTLY LICENSED TO PRACTICE LAW IN MISSOURI — TAX DELINQUENCY, EFFECT OF. —** The director of revenue is hereby authorized, pursuant to a cooperative agreement with the supreme court, to develop procedures which shall permit the clerk of the supreme court to furnish the director, at least once each year, with a list of persons currently licensed to practice law in this state. If any such person is delinquent on any state taxes or has failed to file state income tax returns in the last three years and such person has not paid in protest or commenced a reasonably founded dispute with such liability, the director shall notify the clerk of the supreme court that such person has such delinquency or failure to file.

**488.5025. JUDGMENTS PAID ON TIME-PAYMENT BASIS, ADDITIONAL ASSESSMENT FOR.** — 1. In addition to any other assessment authorized by law, a court may assess a fee of twenty-five dollars on each person who pays a court ordered judgment, penalty, fine, sanction, or court costs on a time payment basis, including, restitution and juvenile monetary assessments. A time payment basis shall be any judgment, penalty, fine, sanction, or court cost not paid, in full, within thirty days of the date the court imposed the judgment, penalty fine, sanction, or court cost. Imposition of the time payment fee shall be in addition to any other enforcement provisions authorized by law.

2. Ten dollars of the time payment fee collected pursuant to this section shall be payable to the clerk of the court of the county from which such fee was collected, or to such person as is designated by local circuit court rule as treasurer of said fund, and said fund shall be applied and expended under the direction and order of the court en banc of any such county to be utilized by the court to improve, maintain, and enhance the

ability to collect and manage moneys assessed or received by the courts, to improve case processing, enhance court security, preservation of the record, or to improve the administration of justice. Eight dollars of the time payment fee shall be deposited in the statewide court automation fund pursuant to section 476.055, RSMo. Seven dollars of the time payment fee shall be paid to the director of revenue, to be deposited to the general revenue fund.

**488.5028. COURT COST DELINQUENCIES, INCOME TAX SETOFF MAY BE REQUESTED, PROCEDURE.** — 1. If a person fails to pay court costs, fines, fees, or other sums ordered by a court, to be paid to the state or political subdivision, a court may report any such delinquencies in excess of twenty-five dollars to the office of state courts administrator and request that the state courts administrator seek a setoff of an income tax refund. The state courts administrator shall set guidelines necessary to effectuate the purpose of the offset program.

2. The office of state courts administrator shall provide the department of revenue with the information necessary to identify each debtor whose refund is sought to be setoff and the amount of the debt or debts owed by each such debtor who is entitled to a tax refund in excess of twenty-five dollars.

3. The department of revenue shall notify the office of state courts administrator that a refund has been setoff on behalf of a court and shall certify the amount of such setoff, which shall not exceed the amount of the claimed debt certified. When the refund owed exceeds the claimed debt, the department of revenue shall send the excess amount to the debtor within a reasonable time after such excess is determined.

4. The office of state courts administrator shall notify the debtor by mail that a setoff has been sought. The notice shall contain the following:

- (1) The name of the debtor;
- (2) The manner in which the debt arose;
- (3) The amount of the claimed debt and the department's intention to setoff the refund against the debt;
- (4) The amount, if any, of the refund due after setoff of the refund against the debt; and

(5) The right of the debtor to apply in writing to the court originally requesting setoff for review of the setoff because the debt was previously satisfied.

Any debtor applying to the court for review of the setoff shall file a written application within thirty days of the date of mailing of the notice and send a copy of the application to the office of state courts administrator. The application for review of the setoff shall contain the name of the debtor, the case name and number from which the debt arose, and the grounds for review. The court may upon application, or on its own motion, hold a hearing on the application. The hearing shall be ancillary to the original action with the only matters for determination whether the refund setoff was appropriate because the debt was unsatisfied at the time the court reported the delinquency to the office of state courts administrator and that the debt remains unsatisfied. In the case of a joint or combined return, the notice sent by the department shall contain the name of the nonobligated taxpayer named in the return, if any, against whom no debt is claimed. The notice shall state that as to the nonobligated taxpayer that no debt is owed and that the taxpayer is entitled to a refund regardless of the debt owed by such other person or persons named on the joint or combined return. The nonobligated taxpayer may seek a refund as provided in section 143.784, RSMo.

5. Upon receipt of funds transferred from the department of revenue to the office of state courts administrator pursuant to a refund setoff, the state courts administrator shall deposit such funds in the state treasury to be held in an escrow account, which is hereby established. Interest earned on those funds shall be credited to the escrow account and

used to offset administrative expenses. If a debtor files with a court an application for review, the state courts administrator shall hold such sums in question until directed by such court to release the funds. If no application for review is filed, the state courts administrator shall, within forty-five days of receipt of funds from the department, send to the clerk of the court in which the debt arose such sums as are collected by the department of revenue for credit to the debtor's account.

**488.5030. CONTRACTING FOR COLLECTION OF DELINQUENT COURT-ORDERED PAYMENTS AUTHORIZED — FEES ADDED TO AMOUNT DUE. —** To collect on past due court ordered penalties, fines, restitution, sanctions, court costs, including, restitution and juvenile monetary assessments, or judgments to the state of Missouri or one of its political subdivisions, any division of the circuit court may contract with public agencies or private entities. Any fees or costs associated with such collection efforts shall be added to the amount due, but such fees and costs shall not exceed twenty percent of the amount collected.

**577.041. REFUSAL TO SUBMIT TO CHEMICAL TEST — NOTICE, REPORT OF PEACE OFFICER, CONTENTS — REVOCATION OF LICENSE, HEARING — EVIDENCE, ADMISSIBILITY — REINSTATEMENT OF LICENSES — SUBSTANCE ABUSE TRAFFIC OFFENDER PROGRAM — ASSIGNMENT RECOMMENDATIONS, JUDICIAL REVIEW — FEES. —** 1. If a person under arrest, or who has been stopped pursuant to subdivision (2) or (3) of subsection 1 of section 577.020, refuses upon the request of the officer to submit to any test allowed pursuant to section 577.020, then none shall be given and evidence of the refusal shall be admissible in a proceeding pursuant to section 565.024 or 565.060, RSMo, or section 577.010 or 577.012. The request of the officer shall include the reasons of the officer for requesting the person to submit to a test and also shall inform the person that evidence of refusal to take the test may be used against such person and that the person's license shall be immediately revoked upon refusal to take the test. If a person when requested to submit to any test allowed pursuant to section 577.020 requests to speak to an attorney, the person shall be granted twenty minutes in which to attempt to contact an attorney. If upon the completion of the twenty-minute period the person continues to refuse to submit to any test, it shall be deemed a refusal. In this event, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and shall take possession of any license to operate a motor vehicle issued by this state which is held by that person. The officer shall issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also give the person a notice of such person's right to file a petition for review to contest the license revocation.

2. The officer shall make a sworn report to the director of revenue, which shall include the following:

- (1) That the officer has:
  - (a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while in an intoxicated or drugged condition; or
  - (b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or
  - (c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;
- (2) That the person refused to submit to a chemical test;
- (3) Whether the officer secured the license to operate a motor vehicle of the person;
- (4) Whether the officer issued a fifteen-day temporary permit;

(5) Copies of the notice of revocation, the fifteen-day temporary permit and the notice of the right to file a petition for review, which notices and permit may be combined in one document; and

(6) Any license to operate a motor vehicle which the officer has taken into possession.

3. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take the test for a period of one year; or if the person is a nonresident, such person's operating permit or privilege shall be revoked for one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a period of one year.

4. If a person's license has been revoked because of the person's refusal to submit to a chemical test, such person may petition for a hearing before a circuit or associate circuit court in the county in which the arrest or stop occurred. The person may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state and the director shall maintain possession of the person's license to operate a motor vehicle until termination of any revocation pursuant to this section. Upon the person's request the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing the court shall determine only:

(1) Whether or not the person was arrested or stopped;

(2) Whether or not the officer had:

(a) Reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer had reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and

(3) Whether or not the person refused to submit to the test.

5. If the court determines any issue not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.

6. Requests for review as provided in this section shall go to the head of the docket of the court wherein filed.

7. No person who has had a license to operate a motor vehicle suspended or revoked pursuant to the provisions of this section shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 577.001, or a program determined to be comparable by the department of **mental health** or the court. Assignment recommendations, based upon the needs assessment as described in subdivision (22) of section 302.010, RSMo, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing

a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023, or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

8. The fees for the substance abuse traffic offender program, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee [of sixty dollars] **to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010, RSMo, and section 577.001.** The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health **on or before the fifteenth day of each month** the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. **Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rates established pursuant to the provisions of section 32.065, RSMo, plus three percentage points.** The supplemental fees **and any interest** received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo.

9. **Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.**

**577.049. SUBSTANCE ABUSE TRAFFIC OFFENDER PROGRAM, COURT MAY ORDER PARTICIPATION IN, WHEN — PROFESSIONAL ASSESSMENT — SUPPLEMENTAL FEES, DEPOSITION — FAILURE TO REMIT, PENALTY. —** 1. Upon a plea of guilty or a finding of guilty for an offense of violating the provisions of section 577.010 or 577.012 or violations of county or municipal ordinances involving alcohol or drug related traffic offenses, the court shall order the person to participate in and successfully complete a substance abuse traffic offender program defined in section 577.001.

2. The fees for the substance abuse traffic offender program, or a portion thereof, to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolling in the program. Any person who [attends] **is enrolled in** the program shall pay, in addition to any fee charged for the program, a supplemental fee [of sixty dollars] **to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010, RSMo, and section 577.001.** The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health **on or before the fifteenth day of each month** the supplemental fees for all persons enrolled in the program, less two percent for administrative costs. **Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rates established pursuant to the provisions of section 32.065, RSMo,**

**plus three percentage points.** The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo.

**3. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.**

**577.520. LICENSE REINSTATEMENT, SUBSTANCE ABUSE TRAFFIC OFFENDER PROGRAM — PROFESSIONAL ASSESSMENT — SUPPLEMENTAL FEE, DISPOSITION, FAILURE TO REMIT, PENALTY.** — 1. No person who has had his license suspended or revoked under the provisions of sections 577.500 and 577.505 shall have that license reinstated until he has paid a twenty-dollar reinstatement fee and has successfully completed a substance abuse traffic offender program as defined in section 577.001.

2. The fees for the substance abuse traffic offender program, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee [of sixty dollars] **to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010, RSMo, and section 577.001, RSMo, or a program determined to be comparable by the department of mental health.** The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health **on or before the fifteenth of each month** the supplemental fees for all persons enrolled in the program, less two percent for administrative costs. **Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rates established pursuant to the provisions of section 32.065, RSMo, plus three percentage points.** The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo.

**3. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.**

**SECTION 1. NO DELINQUENT TAXES, CONDITION OF STATE EMPLOYMENT — ANNUAL CHECK BY DEPARTMENT OF REVENUE.** — 1. As a condition of continued employment with the state of Missouri, all persons employed full-time, part-time, or on a temporary or contracted basis by the executive, legislative, or judicial branch shall file all state income tax returns and pay all state income taxes owed.

2. Each chief administrative officer or their designee of each division of each branch of state government shall at least one time each year check the status of every employee

within the division against a database developed by the director of revenue to determine if all state income tax returns have been filed and all state income taxes owed have been paid. The officer or designee shall notify any employee if the database shows any state income tax return has not been filed or taxes are owed under that employee's name or taxpayer number. Upon notification, the employee will have forty-five days to satisfy the liability or provide the officer or designee with a copy of a payment plan approved by the director of revenue. Failure to satisfy the liability or provide a copy of the payment plan within the forty-five days will result in immediate dismissal of the employee from employment by the state.

3. The chief administrative officer of each division of the general assembly or their designee shall at least one time each year provide the name and social security number of every member of the general assembly to the director of revenue to determine if all state income tax returns have been filed and all state income taxes owed have been paid. The director shall notify any member of the general assembly if the database shows any state income tax return has not been filed or taxes are owed under that member's name or taxpayer number. Upon notification, the member will have forty-five days to satisfy the liability or provide the director with a copy of a payment plan approved by the director of revenue. Failure to satisfy the liability or provide a copy of the payment plan within the forty-five days will result in the member's name being submitted to the appropriate ethics committee for disciplinary action deemed appropriate by the committee.

4. The chief administrative officer of each division of the judicial branch or their designee shall at least one time each year provide the name and social security number of every elected or appointed member of the judicial branch to the director of revenue to determine if all state income tax returns have been filed and all state income taxes owed have been paid. The director shall notify any member if the database shows any state income tax return has not been filed or taxes are owed under that member's name or taxpayer number. Upon notification, the member will have forty-five days to satisfy the liability or provide the director with a copy of a payment plan approved by the director of revenue. Failure to satisfy the liability or provide a copy of the payment plan within the forty-five days will result in the member's name being submitted to the appropriate ethics body for disciplinary action deemed appropriate by that body.

5. The director of revenue shall at least one time each year check the status of every statewide elected official against a database developed by the director to determine if all state income tax returns have been filed and all state income taxes owed have been paid. The director shall notify any elected official if the database shows any state income tax return has not been filed or taxes are owed under that official's name or taxpayer number. Upon notification, the official will have forty-five days to satisfy the liability or agree to a payment plan approved by the director of revenue. Failure to satisfy the liability or agree to the payment plan within the forty-five days will result in the official's name being submitted to the state ethics commission.

**SECTION 2. NO DELINQUENT TAXES, CONDITION FOR RENEWAL OF CERTAIN PROFESSIONAL LICENSES.** — All governmental entities issuing professional licenses, certificates, registrations, or permits pursuant to sections 209.319 to 209.339, RSMo, sections 214.270 to 214.516, RSMo, sections 256.010 to 256.453, RSMo, section 375.014, RSMo, sections 436.005 to 436.071, RSMo, and chapter 317, RSMo, and chapters 324 to 346, RSMo, shall provide the director of revenue with the name and social security number of each applicant for licensure with or licensee of such entities within one month of the date the application is filed or at least one month prior to the anticipated renewal of a licensee's license. If such licensee is delinquent on any state taxes or has failed to file state income tax returns in the last three years, the director shall then send notice to each such entity and licensee. In the case of such delinquency or failure to file, the licensee's

license shall be revoked within ninety days after notice of such delinquency or failure to file, unless the director of revenue verifies that such delinquency or failure has been remedied or arrangements have been made to achieve such remedy. Tax liability paid in protest or reasonably founded disputes with such liability shall be considered paid for the purposes of this section.

**[196.365. LICENSE REQUIRED TO MANUFACTURE, OR DISTRIBUTE — SOFT DRINKS DEFINED — APPLICATION — EXPIRATION. —** 1. It shall be unlawful to make, manufacture, or in any manner produce or distribute any soft drinks or beverages, excepting malt beverages, without first obtaining a license from the department of health and senior services, as in sections 196.365 to 196.445 required.

2. The term "soft drinks" as used in sections 196.365 to 196.445 shall be held to mean and include all beverages of every kind manufactured or sold in this state, which shall be understood to include those containing less than one-half of one percent of or no alcohol, including carbonated beverages, still drinks, seltzer water, artificial or natural mineral waters, and all other waters used and sold for beverage purposes.

3. Application for such license shall be made to the department of health and senior services on a blank prescribed by the department for that purpose. Such license shall expire on the thirtieth day of June next following the day of issuance thereof.]

**[196.367. MANUFACTURER'S EXEMPTION, CONDITIONS. —** Effective July 1, 2005, any manufacturer or distributor shall be exempted from the provisions of sections 196.365 to 196.445 if the manufacturer satisfies all applicable Food and Drug Administration regulations.]

**[196.370. INSPECTION OF MANUFACTORY — ANALYSIS OF PRODUCTS — LICENSE. —** Upon receipt of the application the department of health and senior services shall cause an examination and inspection to be made into the sanitary conditions of such place of manufacture and may also cause an analysis to be made of the products of such manufacturer. If the buildings and equipment so to be used found by the department of health and senior services to be in a sanitary condition and the analysis of said products or samples thereof show the same to be unadulterated and free from ingredients injurious to health, the department of health and senior services upon payment of a license fee as provided by sections 196.365 to 196.445, shall cause a license to be issued authorizing the applicant to manufacture any such soft drinks or beverages. Such license shall be renewed annually upon the same terms and conditions as required for the original license.]

**[196.375. LICENSE AND INSPECTION FEES ON PRODUCTS SOLD IN STATE. —** A license fee of one dollar shall be paid by each manufacturer or distributor of soft drinks or beverages required to be licensed under the provisions of sections 196.365 to 196.445; and in addition thereto an inspection fee shall be paid by wholesale manufacturers or distributors of soft drinks or beverages of three-tenths cent for each gallon of such beverage manufactured or sold in this state, but the fees for inspection shall not exceed four cents per month per case of twenty-four bottles or cans of such manufacturer's bottling or canning capacity, as determined by the rated capacity of the machines therein for an eight-hour day as rated by the manufacturer of such machines. All fees received shall be paid into the state treasury.]

**[196.380. PRODUCTS FOR EXPORT — NO FEE. —** All beverages, soft drinks, sirups, flavors or extracts as in sections 196.365 to 196.445 described, which are manufactured, prepared or bottled in this state and exported outside of this state for sale, shall be inspected as other beverages, soft drinks, sirups, flavors or extracts designated in said sections, but such inspection shall be free of cost to the manufacturer or bottler.]

**[196.385. PRODUCTS FOR IMPORT — INSPECTION, ANALYSIS — LICENSE — FEE.** — No such bottled soft drinks or beverages that are manufactured out of the state of Missouri shall be sold or offered for sale within the state unless the same is first inspected and analyzed and approved by the department of health and senior services which shall be upon a like application as provided in section 196.365 and a license fee of one dollar shall be paid therefor; and in addition thereto an inspection fee of three-tenths cent for each gallon of such beverages sold in this state by such manufacturer shall be paid by such manufacturer. Like samples for such inspection and analysis shall be furnished as herein provided for Missouri manufacturers. Such license shall be renewed annually upon the same terms and conditions as required for the original license.]

**[196.390. DUPLICATE BILL OF LADING REQUIRED FROM TRANSPORTATION COMPANY.** — Every railroad, express or transportation company shall, when requested, furnish to the department of health and senior services a duplicate bill of lading or receipt showing the name of the consignor and consignee, date, place received, destination and quantity of soft drinks or beverages, sirups, extracts or flavors received by them for shipment to any point within this state. Upon failure to comply with the provisions therein, said railroad, express or transportation company shall pay to the state of Missouri the sum of fifty dollars for each and every failure, to be recovered in any court of competent jurisdiction. The department of health and senior services is hereby authorized and empowered to sue in its name at the relation and to the use of the state and any sums thus collected shall be paid into the state treasury.]

**[196.395. CERTIFICATION OF CONTENTS OF PRODUCTS IMPORTED.** — Every person, firm or corporation who shall receive for sale or offer for sale any such nonintoxicating beverages or soft drinks, fountain or other sirups, flavors or extracts other than those manufactured, prepared or bottled in this state, shall, upon receipt of same, and before offering same for sale, notify the department of health and senior services who shall be furnished with a sworn affidavit subscribed by an officer authorized to administer oaths, from the manufacturer or bottler or other reputable person having actual knowledge of the composition of such beverages, sirups or flavors, that no material which is not pure, clean or wholesome was used in the manufacture of same.]

**[196.400. USE OF IMPURE INGREDIENTS PROHIBITED.** — No person, persons, firm or corporation engaged in the manufacture or bottling within this state of any nonintoxicating beverage or soft drink, as that term is described in section 196.365, or of fountain sirups, flavors or extracts intended for use in the preparation or concoction of such beverages or soft drinks, shall use any substance materially or chemically in the manufacture, bottling or preparation of such beverages which is not pure, clean and wholesome.]

**[196.405. MONTHLY REPORT TO DEPARTMENT OF HEALTH AND SENIOR SERVICES — BOOKS OPEN TO INSPECTION.** — All manufacturers, wholesalers and dealers in bottling soft drinks, beverages, sirups, flavors or extracts shall keep an accurate account of their sales and make a report under oath at the end of each month to the department of health and senior services with a remittance to cover all sales for the month, unless such manufacturer or bottler pays the maximum inspection fee based on the bottling capacity of such manufacturer's or bottler's plant pursuant to section 196.375. The books of such manufacturers, bottlers, wholesalers or dealers shall at all times be open to examination and inspection by the department of health and senior services and its officers and agents.]

**[196.415. LABELING OF BOTTLES AND CONTAINERS — FILLING OR REFILLING.** — No person, firm or corporation shall sell, offer for sale or give away within the state any beverages in bottles or other containers unless each of such bottles or containers shall have blown into it,

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etched or engraved, or otherwise labeled thereon, the name of the person, firm or corporation manufacturing or bottling such beverage or the name of the registered trademark of such beverages. The filling or refilling of any bottles or other containers with soft drinks, or beverages with intent to sell or vend such soft drinks or beverages which bears the label of any other person, firm or corporation, without the consent of such person, firm or corporation, shall be deemed a violation of sections 196.365 to 196.445.]

**[196.420. SANITARY REQUIREMENTS FOR SOFT DRINK CONTAINERS, HOW ESTABLISHED.** — All containers used in the packaging of soft drinks shall be clean and sanitary at the time of selling, in accordance with regulations established by the department of health and senior services, after public notice and hearing.]

**[196.425. DEPARTMENT TO KEEP RECORD OF MANUFACTURERS AND BOTTLERS — ANNUAL REPORT TO GOVERNOR.** — The department of health and senior services shall record on books kept for that purpose the names and places of business of all persons, firms and corporations engaged in the manufacture, preparation or bottling of all nonintoxicating beverages or soft drinks or sirups, flavors or extracts as described in section 196.365. The department shall keep a record of all nonintoxicating beverages or soft drinks manufactured, prepared or bottled and the amount produced by each manufacturer or bottler or sold by dealer, or in the case of manufacturers in this state, of the bottling capacity of such manufacturer's plant and shall keep a record of all inspections made. The department shall keep a record of all fees collected and all expenditures incurred and shall make a full and complete report of the same to the governor upon the first day of each year.]

**[196.430. EXPENSES PAID BY WHOM — DISPOSITION OF FEES.** — The expense of the department of health and senior services incurred in carrying out the provisions of sections 196.365 to 196.445, including salaries, traveling expenses of officials or employees and of supplies, shall be paid in the same manner as other expenses of the department of health and senior services pursuant to the laws relating thereto; and all fees shall be payable to and collected by the state director of revenue and shall be deposited by him in the state treasury to the credit of the general revenue fund of the state.]

**[196.435. REVOCATION OF LICENSES.** — The department of health and senior services shall have power to revoke any license issued under the provisions of sections 196.365 to 196.445 whenever said department shall determine that any provision of sections 196.365 to 196.445 or the rules and regulations of the department of health and senior services made in pursuance to the sections have been violated. Any person, firm or corporation whose license has been revoked, shall discontinue the manufacture and sale of soft drinks or beverages until the provisions of sections 196.365 to 196.445 have been complied with and a new license issued. The department of health and senior services may revoke such license temporarily until there is a compliance with the provisions of sections 196.365 to 196.445 or the rules and regulations of the department of health and senior services made in pursuance to said sections.]

**[196.436. REVIEW BY ADMINISTRATIVE HEARING COMMISSION.** — Any person aggrieved by an official action of the department of health and senior services affecting the licensed status of a person under the provisions of sections 196.365 to 196.445, including the refusal to grant, the grant, the revocation, the suspension, or the failure to renew a license, may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 161.272, RSMo, and it shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the department of health and senior services or the department of social services.]

**[196.440. DEPARTMENT TO MAKE RULES AND REGULATIONS.** — The department of health and senior services may make suitable rules and regulations for the carrying out of the provisions of sections 196.365 to 196.445.]

**[196.445. PENALTY FOR VIOLATION.** — Any person who shall violate any of the provisions of sections 196.365 to 196.445 shall be deemed guilty of a misdemeanor and shall, upon conviction thereof be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail for a period not exceeding ninety days, or by both such fine and imprisonment.]

**[338.501. USE OF TAX PROCEEDS.** — In fiscal year 2003, the amount generated by the tax imposed pursuant to section 338.500, less any amount paid pursuant to section 338.545, shall be used in the formula necessary to qualify for the calculations included in house bill 1102, section 2.325 through section 2.333 as passed by the ninety-first general assembly, second regular session.]

**[338.545. MEDICAID PHARMACY DISPENSING FEE, ADJUSTMENT MADE, AMOUNT.** — 1. The Medicaid pharmacy dispensing fee shall be adjusted to include a supplemental payment amount equal to the tax assessment due plus ten percent.

2. The amount of the supplemental payment shall be adjusted once annually beginning July first or once annually after the initial start date of the pharmacy tax, whichever is later.

3. If the pharmacy tax required by sections 338.500 to 338.550 is declared invalid, the pharmacy dispensing fee for the Medicaid program shall be the same as the amount required on July 1, 2001.]

**SECTION B. EMERGENCY CLAUSE.** — Because immediate action is necessary to fund critical services of state government, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval or on July 1, 2003, whichever later occurs.

Approved July 1, 2003

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## HB 613 [CCS SCS HCS HB 613]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### **Modifies various provisions of court procedure.**

AN ACT to repeal sections 43.530, 50.640, 57.290, 67.133, 210.145, 452.311, 454.505, 455.027, 455.030, 455.504, 455.516, 476.058, 476.340, 476.385, 477.600, 488.032, 488.426, 488.429, 488.2300, 488.4014, 488.5320, 488.5339, 491.280, 494.410, 506.060, 510.120, 511.350, 511.510, 512.180, 513.475, 536.077, 540.011, 540.021, and 577.051, RSMo, and to enact in lieu thereof thirty-two new sections relating to court procedures, with penalty provisions.

#### SECTION

A. Enacting clause.

43.530. Fees, method of payment — criminal record system fund, established — fund not to lapse.

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- 50.640. Estimate of circuit court or circuit clerk, changed, how — disagreement with county, escrow account equal to difference established — resolved, how.
- 57.290. Charges in criminal cases.
- 210.145. Telephone hot line for reports on child abuse — division of family services, duties, protocols, law enforcement contacted immediately, investigation within twenty-four hours, exception — chief investigator named — admissibility of reports in custody cases.
- 452.311. Petition for dissolution filed when, requirements.
- 454.505. Garnishment of wages, when, procedure, limitations — notice to employer, contents — employer, duties, liabilities — priorities — discharge of employee prohibited, when, penalties for — orders issued by another state, laws to govern.
- 455.027. No filing fee, court cost, or bond shall be required.
- 455.030. Filings — certain information not required from petitioner, exception — supreme court shall provide for filing of petitions on holidays, evenings and weekends.
- 455.504. Court clerks to furnish petitioners with uniform forms and information to litigants having no counsel on procedure, filing forms and pleadings — services of clerks and location of office to file petition to be posted — rules — no fees required — guardian ad litem or CASA to be provided copy of petition.
- 455.516. Hearings, when, procedure, standard of proof — duration of orders — videotaped testimony permitted — renewal of orders, when — service of respondent, failure to serve not to affect validity of order — notice to law enforcement agencies.
- 476.058. Court personnel defined — state court administration revolving fund created.
- 476.340. Executive council shall be governing body, how formed — members.
- 476.385. Schedule of fines committee, appointment, duties, powers — associate circuit judges may adopt schedule — central violations bureau established — powers, duties.
- 477.600. Judicial finance commission members, terms, vacancies, compensation — powers, duties, staff.
- 488.032. Fees of witnesses — examination on oath.
- 488.426. Deposit required in civil actions — exemptions — surcharge to remain in effect.
- 488.429. Fund paid to treasurer designated by circuit judge — use of fund for law library, and courtroom renovation and technology enhancement in certain counties
- 488.2300. Family services and justice fund established, where — purpose — surcharge, collection, payment — fundings for enhanced services, conditions — reimbursement for costs of salaries.
- 488.4014. Court costs in certain civil and criminal cases, exceptions — collection and deposit procedure — distribution — county entitled to judgment, when.
- 488.5320. Charges in criminal cases, sheriffs and other officers.
- 488.5339. Surcharge for crime victims' compensation fund, exceptions — surcharge in juvenile court proceedings where child allegedly violates state law or municipal ordinance — disbursement.
- 491.280. Fees of witnesses.
- 494.410. Master jury list.
- 506.060. Periods of time prescribed or allowed by code — how computed.
- 510.120. Continuance when counsel or party is a member of general assembly.
- 511.350. Liens on real estate established by judgment or decrees in courts of record, exception — associate circuit court, procedure required — no administrative amendments.
- 511.510. Duty of clerk to furnish and enter abstracts — satisfaction of judgments — liability of clerk.
- 512.180. Appeals from cases tried before associate circuit judge.
- 513.475. Homestead defined — exempt from execution — spouses debarred from selling, when.
- 536.077. Subpoenas, issuance — form — how served — how enforced.
- 540.021. Selection of grand jurors, summons and jury qualification form — notification of persons not qualified to serve — alternate grand jurors — length of service — compensation.
- 577.051. Missouri uniform law enforcement system records, information entered by highway patrol, when, made available, to whom — failure to furnish records to patrol, penalty — forms and procedure for filing records.
- 67.133. Court costs in civil and nonfelony criminal cases, exceptions — collection and deposit procedure — distribution — county entitled to judgment, when.
- 540.011. Grand jury list.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 43.530, 50.640, 57.290, 67.133, 210.145, 452.311, 454.505, 455.027, 455.030, 455.504, 455.516, 476.058, 476.340, 476.385, 477.600, 488.032, 488.426, 488.429, 488.2300, 488.4014, 488.5320, 488.5339, 491.280, 494.410, 506.060, 510.120, 511.350, 511.510, 512.180, 513.475, 536.077, 540.011, 540.021, and 577.051, RSMo, are repealed and thirty-two new sections enacted in lieu thereof, to be known as sections 43.530, 50.640, 57.290, 210.145, 452.311, 454.505, 455.027, 455.030, 455.504, 455.516, 476.058, 476.340, 476.385, 477.600, 488.032, 488.426, 488.429, 488.2300, 488.4014,

488.5320, 488.5339, 491.280, 494.410, 506.060, 510.120, 511.350, 511.510, 512.180, 513.475, 536.077, 540.021, and 577.051, to read as follows:

**43.530. FEES, METHOD OF PAYMENT — CRIMINAL RECORD SYSTEM FUND, ESTABLISHED — FUND NOT TO LAPSE.** — For each request received by the central repository, as defined in subdivision (1) of section 43.500, the requesting entity shall pay a fee of not more than five dollars per request for criminal history record information and pay a fee of not more than fourteen dollars per request for classification and search of fingerprints. Each such request shall be limited to check and search on one individual. Each request shall be accompanied by a check, warrant, voucher, [or] money order, **or electronic payment** payable to the state of Missouri-criminal record system. **The highway patrol may establish procedures for receiving requests for criminal history record information for classification and search for fingerprints, from courts and other entities, and for the payment of such requests.** There is hereby established by the treasurer of the state of Missouri a fund to be entitled as the "Criminal Record System Fund". Notwithstanding the provisions of section 33.080, RSMo, to the contrary, if the moneys collected and deposited into this fund are not totally expended annually for the purposes set forth in section 43.527, the unexpended moneys in such fund shall remain in the fund and the balance shall be kept in the fund to accumulate from year to year.

**50.640. ESTIMATE OF CIRCUIT COURT OR CIRCUIT CLERK, CHANGED, HOW — DISAGREEMENT WITH COUNTY, ESCROW ACCOUNT EQUAL TO DIFFERENCE ESTABLISHED — RESOLVED, HOW.** — 1. Except as otherwise provided in this section, all offices, departments, courts, institutions, commissions or other agencies spending moneys of the county shall perform the duties and observe the restrictions set forth in sections 50.540 to 50.630 relating to budget procedure and appropriations. The estimates of the circuit court, including all activities thereof and of the circuit clerk, shall be transmitted to the budget officer by the circuit clerk. The estimates of the circuit clerk shall bear the approval of the circuit court. The budget officer or the county commission shall not change the estimates of the circuit court or of the circuit clerk without the consent of the circuit court or the circuit clerk, respectively, but shall appropriate in the appropriation order the amounts estimated as originally submitted or as changed, with their consent.

2. If the county governing body deems the estimates of the circuit court to be unreasonable, the governing body may file a petition for review with the judicial finance commission on a form provided by the judicial finance commission after the estimates are included in the county budget. An amount equal to the difference between the estimates of the circuit court and the amounts deemed appropriate by the governing body shall be placed in a separate escrow account, and shall not be appropriated and expended until a final determination is made by the judicial finance commission under this subsection. The form provided by the judicial finance commission shall include an opportunity for the governing body and the circuit court to state their positions in a summary fashion. If a petition for review is filed, the circuit court shall have the burden of convincing the judicial finance commission that the amount estimated by it and included in the budget is reasonable. In determining if the circuit court estimate is reasonable, the judicial finance commission shall consider the expenditures necessary to support the circuit court in relation to the expenditures necessary for the administration of all other county functions, the actual or estimated operating deficit or surplus from prior years, all interest and debt redemption charges, all capital projects expenditures, and the total estimated available revenues from all sources available for financing the proposed expenditures. In determining the reasonableness of any budget estimate involving compensation, the judicial finance commission shall also consider compensation for county employees with similar duties, length of service and educational qualifications. The judicial finance commission shall immediately order a settlement conference to determine if the matter can be resolved before ordering briefs and oral argument. The judicial finance commission, to the maximum extent practicable, shall resolve the dispute

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prior to the beginning of the fiscal year in question, **however, if the dispute is submitted within ninety days of the end of the fiscal year, the commission shall resolve the dispute within ninety days of the beginning of the subsequent fiscal year.** The county governing body may file and prosecute a petition for review without representation by counsel.

**57.290. CHARGES IN CRIMINAL CASES.** — 1. [Sheriffs, county marshals or other officers shall be allowed a charge for their services rendered in criminal cases and in all proceedings for contempt or attachment, as required by law, the sum of seventy-five dollars for each felony case or contempt or attachment proceeding, ten dollars for each misdemeanor case, and six dollars for each infraction, excluding cases disposed of by a traffic violations bureau established pursuant to law or supreme court rule. Such charges shall be charged and collected in the manner provided by sections 488.010 to 488.020, RSMo, and shall be payable to the county treasury.

2. The sheriff receiving any charge pursuant to subsection 1 of this section shall reimburse the sheriff of any other county or the city of St. Louis the sum of three dollars for each pleading, writ, summons, order of court or other document served in connection with the case or proceeding by the sheriff of the other county or city, and return made thereof, to the maximum amount of the total charge received pursuant to subsection 1 of this section.

3.] In cities and counties having a population of three hundred thousand inhabitants and over, each deputy sheriff, not more than two, shall be allowed for each day during the term of court six dollars, to be paid by the city or county of three hundred thousand inhabitants or over.

[4.] 2. For the services of taking convicted offenders to the reception and diagnostic center designated by the director of the department of corrections, the sheriff, county marshal or other officers shall receive the sum of eight dollars per day for the time actually and necessarily employed in traveling to and from the reception and diagnostic center, and each guard shall receive the sum of six dollars per day for the same, and the sheriff, county marshal or other officer and guard shall receive the mileage rate prescribed by this section for the distance necessarily traveled in going to and returning from the reception and diagnostic center, the time and distance to be estimated by the most usually traveled route from the place of departure to the reception and diagnostic center; the mileage rate prescribed by this section for each mile traveled shall be allowed to the sheriff to cover all expenses on each convicted offender while being taken to the reception and diagnostic center; and all persons convicted and sentenced to imprisonment in the department of corrections at any term or sitting of the court, shall be taken to the reception and diagnostic center at the same time, unless prevented by sickness or unavoidable accident. In cities having a population of two hundred thousand inhabitants or more, convicted offenders shall be taken to the reception and diagnostic center as often as the sheriff deems necessary. When three or more convicted offenders are being taken to the reception and diagnostic center at one time, a guard may be employed, but no guard shall be employed for a less number of convicted offenders except upon the order, entered of record, of the judge of the court in which the conviction was had, and any additional guards employed by order of the judge shall, in no event, exceed one for every three convicted offenders; and before any claim for taking convicted offenders to the reception and diagnostic center is allowed, the sheriff, or other officer conveying such convicted offender, shall file with the state commissioner of administration an itemized statement of such sheriff's account, in which the sheriff shall give the name of each convicted offender conveyed and the name of each guard actually employed, with the number of miles necessarily traveled and the number of days required, which in no case shall exceed three days, and which account shall be signed and sworn to by such officer and accompanied by a certificate from the chief administrative officer or such officer's designee of the reception and diagnostic center, that such convicted offenders have been delivered at the reception and diagnostic center and were accompanied by each of the officers and guards named in the account.

[5.] 3. The sheriff or other officer who shall take a person, charged with a criminal offense, from the county in which the offender is apprehended to that in which the offense was committed, or who may remove a prisoner from one county to another for any cause authorized

by law, or who shall have in custody or under such sheriff's or officer's charge any person undergoing an examination preparatory to such person's commitment more than one day for transporting, safekeeping and maintaining any such person, shall be allowed by the court having cognizance of the offense, three dollars and fifty cents per day for every day such sheriff or officer may have such person under such sheriff's or officer's charge, when the number of days shall exceed one, and the mileage rate prescribed by this section for every mile necessarily traveled in going to and returning from one county to another, and the guard employed, who shall in no event exceed the number allowed the sheriff, marshal or other officer in transporting convicted offenders to the reception and diagnostic center, shall be allowed the same compensation as the officer. Three dollars and fifty cents per day, mileage same as officer, shall be allowed for board and all other expenses of each prisoner. No compensation shall be allowed under this section for taking the prisoner or prisoners from one place to another in the same county, excepting in counties which have two or more courts with general criminal jurisdiction. In such counties the sheriff shall have the same fees for conveying prisoners from the jail to place of trial as are allowed for conveying prisoners in like cases from one county to another, and the expenses incurred in transporting prisoners from one county to another, occasioned by the insufficiency of the county jail or threatened mob violence, shall be paid by the county in which such case may have originated; provided that the court is held at a place more than five miles from the jail; and no court shall allow the expense of a guard, although it may have actually been incurred, unless from the evidence of disinterested persons it shall be satisfied that a guard was necessary; provided, that when the place of conviction is remote from a railroad, upon which a convicted offender may be transported to the reception and diagnostic center, the court before which such convicted offender is sentenced may, for good cause shown, allow one guard for every two convicted offenders, such guard to receive three dollars a day and the mileage rate prescribed by this section for every mile necessarily traveled in going to and returning from the nearest depot on said railroad to the place where such convicted offender was sentenced.

[6. The charges provided in subsection 1 of this section shall be taxed as other costs in criminal procedure immediately after conviction of any defendant in any criminal procedure. The clerk shall tax all the costs in the case against such defendant, which shall be collected and disbursed as provided by sections 488.010 to 488.020, RSMo; provided, that no such charge shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court; provided further, that all costs, incident to the issuing and serving of writs of scire facias and of writs of fieri facias, and of attachments for witnesses of defendant, shall in no case be paid by the state, but such costs incurred under writs of fieri facias and scire facias shall be paid by the defendant and such defendant's sureties, and costs for attachments for witnesses shall be paid by such witnesses.

7.] 4. Mileage shall be reimbursed to sheriffs, county marshals and guards for all services rendered pursuant to this section at the rate prescribed by the Internal Revenue Service for allowable expenses for motor vehicle use expressed as an amount per mile.

**210.145. TELEPHONE HOT LINE FOR REPORTS ON CHILD ABUSE — DIVISION OF FAMILY SERVICES, DUTIES, PROTOCOLS, LAW ENFORCEMENT CONTACTED IMMEDIATELY, INVESTIGATION WITHIN TWENTY-FOUR HOURS, EXCEPTION — CHIEF INVESTIGATOR NAMED — ADMISSIBILITY OF REPORTS IN CUSTODY CASES. —** 1. The division shall establish and maintain an information system operating at all times, capable of receiving and maintaining reports. This information system shall have the ability to receive reports over a single, statewide toll-free number. Such information system shall maintain the results of all investigations, family assessments and services, and other relevant information.

2. Upon receipt of a report, the division shall immediately communicate such report to its appropriate local office and any relevant information as may be contained in the information system. The local division staff shall determine, through the use of protocols developed by the

division, whether an investigation or the family assessment and services approach should be used to respond to the allegation. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child.

3. The local office shall contact the appropriate law enforcement agency immediately upon receipt of a report which division personnel determine merits an investigation, or, which, if true, would constitute a suspected violation of any of the following: section 565.020, 565.021, 565.023, 565.024 or 565.050, RSMo, if the victim is a child less than eighteen years of age, section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or other crime under chapter 566, RSMo, if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050, RSMo, if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025, 573.037 or 573.045, RSMo, or an attempt to commit any such crimes. The local office shall provide such agency with a detailed description of the report received. In such cases the local division office shall request the assistance of the local law enforcement agency in all aspects of the investigation of the complaint. The appropriate law enforcement agency shall either assist the division in the investigation or provide the division, within twenty-four hours, an explanation in writing detailing the reasons why it is unable to assist.

4. The local office of the division shall cause an investigation or family assessment and services approach to be initiated immediately or no later than within twenty-four hours of receipt of the report from the division, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation shall include direct observation of the subject child within twenty-four hours of the receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct observation. If the parents of the child are not the alleged abusers, [the parents] **a parent** of the child must be notified prior to the child being interviewed by the division. The division shall not meet with the child [in any location where abuse of such child is alleged to have occurred] **at the child's school or child care facility**. When the child is reported absent from the residence, the location and the well-being of the child shall be verified.

5. The director of the division shall name at least one chief investigator for each local division office, who shall direct the division response on any case involving a second or subsequent incident regarding the same subject child or perpetrator. The duties of a chief investigator shall include verification of direct observation of the subject child by the division and shall ensure information regarding the status of an investigation is provided to the public school district liaison. The public school district liaison shall develop protocol in conjunction with the chief investigator to ensure information regarding an investigation is shared with appropriate school personnel. The superintendent of each school district shall designate a specific person or persons to act as the public school district liaison. Should the subject child attend a nonpublic school the chief investigator shall notify the school principal of the investigation. Upon notification of an investigation, all information received by the public school district liaison or the school shall be subject to the provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34 C.F.R., Part 99.

6. The investigation shall include but not be limited to the nature, extent, and cause of the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the names and conditions of other children in the home, if any; the home environment and the relationship of the subject child to the parents or other persons responsible for the child's care; any indication of incidents of physical violence against any other household or family member; and other pertinent data.

7. When a report has been made by a person required to report under section 210.115, the division shall contact the person who made such report within forty-eight hours of the receipt of

the report in order to ensure that full information has been received and to obtain any additional information or medical records, or both, that may be pertinent.

8. Upon completion of the investigation, if the division suspects that the report was made maliciously or for the purpose of harassment, the division shall refer the report and any evidence of malice or harassment to the local prosecuting or circuit attorney.

9. Multidisciplinary teams shall be used whenever conducting the investigation as determined by the division in conjunction with local law enforcement. Multidisciplinary teams shall be used in providing protective or preventive social services, including the services of law enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and other agencies, both public and private.

10. If the appropriate local division personnel determine after an investigation has begun that completing an investigation is not appropriate, the division shall conduct a family assessment and services approach. The division shall provide written notification to local law enforcement prior to terminating any investigative process. The reason for the termination of the investigative process shall be documented in the record of the division and the written notification submitted to local law enforcement. Such notification shall not preclude nor prevent any investigation by law enforcement.

11. If the appropriate local division personnel determines to use a family assessment and services approach, the division shall:

(1) Assess any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;

(2) Provide services which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

(3) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;

(4) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed.

12. Within thirty days of an oral report of abuse or neglect, the local office shall update the information in the information system. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation, identifying information on the subjects of the report, those responsible for the care of the subject child and other relevant dispositional information. The division shall complete all investigations within thirty days, unless good cause for the failure to complete the investigation is documented in the information system. If the investigation is not completed within thirty days, the information system shall be updated at regular intervals and upon the completion of the investigation. The information in the information system shall be updated to reflect any subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter.

13. A person required to report under section 210.115 to the division shall be informed by the division of his right to obtain information concerning the disposition of his or her report. Such person shall receive, from the local office, if requested, information on the general disposition of his or her report. A person required to report to the division pursuant to section 210.115 may receive, if requested, findings and information concerning the case. Such release of information shall be at the discretion of the director based upon a review of the mandated reporter's ability to assist in protecting the child or the potential harm to the child or other

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children within the family. The local office shall respond to the request within forty-five days. The findings shall be made available to the mandated reporter within five days of the outcome of the investigation.

14. In any judicial proceeding involving the custody of a child the fact that a report may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However, nothing in this subsection shall prohibit the introduction of evidence from independent sources to support the allegations that may have caused a report to have been made.

15. In any judicial proceeding involving the custody of a child where the court determines that the child is in need of services pursuant to subdivision (d) of subsection 1 of section 211.031, RSMo, and has taken jurisdiction, the child's parent, guardian or custodian shall not be entered into the registry.

16. The division of family services is hereby granted the authority to promulgate rules and regulations pursuant to the provisions of section 207.021, RSMo, and chapter 536, RSMo, to carry out the provisions of sections 210.109 to 210.183.

17. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

**452.311. PETITION FOR DISSOLUTION FILED WHEN, REQUIREMENTS.** — A petition is not filed within the meaning of supreme court rule 53.01 in any cause of action authorized by the provisions of this chapter, unless a summons is issued forthwith as required by supreme court rule 54.01, a verified **and notarized** entry of appearance of respondent is filed or an attorney files an entry of appearance on behalf of respondent.

**454.505. GARNISHMENT OF WAGES, WHEN, PROCEDURE, LIMITATIONS — NOTICE TO EMPLOYER, CONTENTS — EMPLOYER, DUTIES, LIABILITIES — PRIORITIES — DISCHARGE OF EMPLOYEE PROHIBITED, WHEN, PENALTIES FOR — ORDERS ISSUED BY ANOTHER STATE, LAWS TO GOVERN.** — 1. In addition to any other remedy provided by law for the enforcement of support, if a support order has been entered, the director shall issue an order directing any employer or other payor of the parent to withhold and pay over to the division, the payment center pursuant to section 454.530 or the clerk of the circuit court in the county in which a trusteeship is or will be established, money due or to become due the obligated parent in an amount not to exceed federal wage garnishment limitations. For administrative child support orders issued pursuant to sections other than section 454.476, the director shall not issue an order to withhold and pay over in any case in which:

(1) One of the parties demonstrates, and the director finds, that there is good cause not to require immediate income withholding. For purposes of this subdivision, any finding that there is good cause not to require immediate withholding shall be based on, at least, a written determination and an explanation by the director that implementing immediate wage withholding would not be in the best interests of the child and proof of timely payments of previously ordered support in cases involving the modification of support orders; or

(2) A written agreement is reached between the parties that provides for an alternative payment arrangement.

If the income of an obligor is not withheld as of the effective date of the support order, pursuant to subdivision (1) or (2) of this subsection, or otherwise, such obligor's income shall become subject to withholding pursuant to this section, without further exception, on the date on which

the obligor becomes delinquent in maintenance or child support payments in an amount equal to one month's total support obligation.

2. An order entered pursuant to this section shall recite the amount required to be paid as continuing support, the amount to be paid monthly for arrearages and the Social Security number of the obligor if available. In addition, the order shall contain a provision that the obligor shall notify the division of child support enforcement regarding the availability of medical insurance coverage through an employer or a group plan, provide the name of the insurance provider when coverage is available, and inform the division of any change in access to such insurance coverage. A copy of section 454.460 and this section shall be appended to the order. [A copy of such order shall be filed with the circuit court in the county or city not within a county in which the judgment of dissolution or paternity was entered, or if no such judgment was entered, in the county or city not within a county where either parent or the child resides or where the order or judgment is filed or registered.]

3. An order entered pursuant to this section shall be served on the employer or other payor by certified mail, return receipt requested or may be issued through electronic means, and shall be binding on the employer or other payor two weeks after mailing or electronic issuance of such service. A copy of the order and a notice of property exempt from withholding shall be mailed to the obligor at the obligor's last known address. The notice shall advise the obligor that the withholding has commenced and the procedures to contest such withholding pursuant to section 454.475 on the grounds that such withholding or the amount withheld is improper due to a mistake of fact by requesting a hearing thirty days from mailing the notice. At such a hearing the certified copy of the court order and the sworn or certified statement of arrearages shall constitute prima facie evidence that the director's order is valid and enforceable. If a prima facie case is established, the obligor may only assert mistake of fact as a defense. For purposes of this section, "mistake of fact" means an error in the amount of the withholding or an error as to the identity of the obligor. The obligor shall have the burden of proof on such issues. The obligor may not obtain relief from the withholding by paying the overdue support. The employer or other payor shall withhold from the earnings or other income of each obligor the amount specified in the order, and may deduct an additional sum not to exceed six dollars per month as reimbursement for costs, except that the total amount withheld shall not exceed the limitations contained in the federal Consumer Credit Protection Act, 15 U.S.C. 1673(b). The employer or other payor shall transmit the payments as directed in the order within seven business days of the date the earnings, money due or other income was payable to the obligor. For purposes of this section, "business day" means a day that state offices are open for regular business. The employer or other payor shall, along with the amounts transmitted, provide the date the amount was withheld from each obligor. If the order does not contain the Social Security number of the obligor, the employer or other payor shall not be liable for withholding from the incorrect obligor.

4. If the order is served on a payor other than an employer, it shall be a lien against any money due or to become due the obligated parent which is in the possession of the payor on the date of service or which may come into the possession of the payor after service until further order of the director, except for any deposits held in two or more names in a financial institution.

5. The division shall notify an employer or other payor upon whom such an order has been directed whenever all arrearages have been paid in full, and whenever, for any other reason, the amount required to be withheld and paid over to the payment center pursuant to the order as to future pay periods is to be reduced or redirected. If the parent's support obligation is required to be paid monthly and the parent's pay periods are at more frequent intervals, the employer or other payor may, at the request of the obligee or the director, withhold and pay over to the payment center, an equal amount at each pay period cumulatively sufficient to comply with the withholding order.

6. An order issued pursuant to subsection 1 of this section shall be a continuing order and shall remain in effect and be binding upon any employer or other payor upon whom it is directed

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until a further order of the director. Such orders shall terminate when all children for whom the support order applies are emancipated or deceased, or the support obligation otherwise ends, and all arrearages are paid. No order to withhold shall be terminated solely because the obligor has fully paid arrearages.

7. An order issued pursuant to subsection 1 of this section shall have priority over any other legal process pursuant to state law against the same wages, except that where the other legal process is an order issued pursuant to this section or section 452.350, RSMo, the processes shall run concurrently, up to applicable wage withholding limitations. If concurrently running wage withholding processes for the collection of support obligations would cause the amounts withheld from the wages of the obligor to exceed applicable wage withholding limitations and includes a wage withholding from another state pursuant to section 454.932, the employer shall first satisfy current support obligations by dividing the amount available to be withheld among the orders on a pro rata basis using the percentages derived from the relationship each current support order amount has to the sum of all current child support obligations. Thereafter, arrearages shall be satisfied using the same pro rata distribution procedure used for distributing current support, up to the applicable limitation. If concurrently running wage withholding processes for the collection of support obligations would cause the amounts withheld from the wages of the obligor to exceed applicable wage withholding limitations and does not include a wage withholding from another state pursuant to section 454.932, the employer shall withhold and pay to the payment center an amount equal to the wage withholding limitations. The payment center shall first satisfy current support obligations by dividing the amount available to be withheld among the orders on a pro rata basis using the percentages derived from the relationship each current support order amount has to the sum of all current child support obligations. Thereafter, arrearages shall be satisfied using the same pro rata distribution procedure used for distributing current support, up to the applicable limitation.

8. No employer or other payor who complies with an order entered pursuant to this section shall be liable to the parent, or to any other person claiming rights derived from the parent, for wrongful withholding. An employer or other payor who fails or refuses to withhold or pay the amounts as ordered pursuant to this section shall be liable to the party holding the support rights in an amount equal to the amount which became due the parent during the relevant period and which, pursuant to the order, should have been withheld and paid over. The director is hereby authorized to bring an action in circuit court to determine the liability of an employer or other payor for failure to withhold or pay the amounts as ordered. If a court finds that a violation has occurred, the court may fine the employer in an amount not to exceed five hundred dollars. The court may also enter a judgment against the employer for the amounts to be withheld or paid, court costs and reasonable attorney's fees.

9. The remedy provided by this section shall be available where the state or any of its political subdivisions is the employer or other payor of the obligated parent in the same manner and to the same extent as where the employer or other payor is a private party.

10. An employer shall not discharge, or refuse to hire or otherwise discipline an employee as a result of an order to withhold and pay over certain money authorized by this section. If any such employee is discharged within thirty days of the date upon which an order to withhold and pay over certain money is to take effect, there shall arise a rebuttable presumption that such discharge was a result of such order. This presumption shall be overcome only by clear, cogent and convincing evidence produced by the employer that the employee was not terminated because of the order to withhold and pay over certain money. The director is hereby authorized to bring an action in circuit court to determine whether the discharge constitutes a violation of this subsection. If the court finds that a violation has occurred, the court may enter an order against the employer requiring reinstatement of the employee and may fine the employer in an amount not to exceed one hundred fifty dollars. Further, the court may enter judgment against the employer for the back wages, costs, attorney's fees, and for the amount of child support

which should have been withheld and paid over during the period of time the employee was wrongfully discharged.

11. If an obligor for whom an order to withhold has been issued pursuant to subsection 1 of this section terminates the obligor's employment, the employer shall, within ten days of the termination, notify the division of the termination, shall provide to the division the last known address of the obligor, if known to the employer, and shall provide to the division the name and address of the obligor's new employer, if known. When the division determines the identity of the obligor's new employer, the director shall issue an order to the new employer as provided in subsection 1 of this section.

12. If an employer or other payor is withholding amounts for more than one order issued pursuant to subsection 1 of this section, the employer or other payor may transmit all such withholdings which are to be remitted to the same circuit clerk, other collection unit or to the payment center after October 1, 1999, as one payment together with a separate list identifying obligors for whom a withholding has been made and the amount withheld from each obligor so listed, and the withholding date or dates for each obligor.

13. For purposes of this section, "income" means any periodic form of payment due to an individual, regardless of source, including wages, salaries, commissions, bonuses, workers' compensation benefits, disability benefits, payments pursuant to a pension or a retirement program, and interest.

14. The employer shall withhold funds as directed in the notice, except if an employer receives an income withholding order issued by another state, the employer shall apply the income withholding law of the state of the obligor's principal place of employment in determining:

- (1) The employer's fee for processing an income withholding order;
- (2) The maximum amount permitted to be withheld from the obligor's income;
- (3) The time periods within which the employer shall implement the income withholding order and forward the child support payments;
- (4) The priorities for withholding and allocating income withheld for multiple child support obligees; and
- (5) Any withholding terms and conditions not specified in the order.

15. If the secretary of the Department of Health and Human Services promulgates a final standard format for an employer income withholding notice, the director shall use such notice prescribed by the secretary.

**455.027. NO FILING FEE, COURT COST, OR BOND SHALL BE REQUIRED.** — No filing fees, court costs, or bond shall be assessed **to the petitioner** in an action commenced pursuant to sections 455.010 to 455.085.

**455.030. FILINGS — CERTAIN INFORMATION NOT REQUIRED FROM PETITIONER, EXCEPTION — SUPREME COURT SHALL PROVIDE FOR FILING OF PETITIONS ON HOLIDAYS, EVENINGS AND WEEKENDS.** — 1. When the court is unavailable after business hours or on holidays or weekends, a verified petition for protection from abuse or a motion for hearing on violation of any order of protection under sections 455.010 to 455.085 may be filed before any available court in the city or county having jurisdiction to hear the petition pursuant to the guidelines developed pursuant to subsection 4 of this section. An ex parte order may be granted pursuant to section 455.035.

2. All papers in connection with the filing of a petition or the granting of an ex parte order of protection or a motion for a hearing on a violation of an order of protection under this section shall be certified by such court or the clerk within the next regular business day to the circuit court having jurisdiction to hear the petition.

3. A petitioner seeking a protection order shall not be required to reveal any current address or place of residence except to the court in camera for the purpose of determining jurisdiction

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and venue. The petitioner may be required to provide a mailing address unless the petitioner alleges that he or she would be endangered by such disclosure, or that other family or household members would be endangered by such disclosure. **Effective January 1, 2004, a petitioner shall not be required to provide his or her Social Security number on any petition or document filed in connection with a protection order; except that, the court may require that a petitioner's Social Security number be retained on a confidential case sheet or other confidential record maintained in conjunction with the administration of the case.**

4. The supreme court shall develop guidelines which ensure that a verified petition may be filed on holidays, evenings and weekends.

**455.504. COURT CLERKS TO FURNISH PETITIONERS WITH UNIFORM FORMS AND INFORMATION TO LITIGANTS HAVING NO COUNSEL ON PROCEDURE, FILING FORMS AND PLEADINGS — SERVICES OF CLERKS AND LOCATION OF OFFICE TO FILE PETITION TO BE POSTED — RULES — NO FEES REQUIRED — GUARDIAN AD LITEM OR CASA TO BE PROVIDED COPY OF PETITION.** — 1. The clerk of the court shall make available to the petitioner the uniform forms adopted by the supreme court pursuant to section 455.073. Except as provided in section 455.510, clerks under the supervision of a circuit clerk shall explain to litigants not represented by counsel the procedures for filing all forms and pleadings necessary for the presentation of their petition filed pursuant to the provisions of sections 455.500 to 455.538 to the court. Notice of the fact that clerks will provide such assistance shall be conspicuously posted in the clerks' offices. The location of the office where a petition can be filed shall be conspicuously posted in the court building. The performance of duties prescribed in this section shall not constitute the practice of law as defined in section 484.010, RSMo. All duties of the clerk prescribed in this section shall be performed without cost to the litigants. The supreme court may promulgate rules as necessary to govern conduct of court clerks under sections 455.500 to 455.538, and shall provide forms for petitions and written instructions on filling out all forms and pleadings necessary for the presentation of the petition to the court.

2. No filing fees, court costs, or bond shall be assessed **to the petitioner** in an action commenced under sections 455.500 to 455.538.

3. The clerk shall immediately notify the guardian ad litem or court-appointed special advocate of appointment and shall provide such guardian or advocate with a copy of the petition for the order of protection for the child. The clerk shall provide such guardian or advocate with the names, addresses, and telephone numbers of the parties within twenty-four hours of entry of the order appointing the guardian ad litem or court-appointed special advocate.

**455.516. HEARINGS, WHEN, PROCEDURE, STANDARD OF PROOF — DURATION OF ORDERS — VIDEOTAPED TESTIMONY PERMITTED — RENEWAL OF ORDERS, WHEN — SERVICE OF RESPONDENT, FAILURE TO SERVE NOT TO AFFECT VALIDITY OF ORDER — NOTICE TO LAW ENFORCEMENT AGENCIES.** — 1. Not later than fifteen days after the filing of a petition under sections 455.500 to 455.538, a hearing shall be held unless the court deems, for good cause shown, that a continuance should be granted. At the hearing, which may be an open or a closed hearing at the discretion of the court, whichever is in the best interest of the child, if the petitioner has proved the allegation of abuse of a child by a preponderance of the evidence, the court may issue a full order of protection for a definite period of time, not to exceed one hundred eighty days. The court may allow as evidence any in camera videotape made of the testimony of the child pursuant to section 491.699, RSMo. The provisions of section 491.075, RSMo, relating to admissibility of statements of a child under the age of twelve shall apply to any hearing under the provisions of sections 455.500 to 455.538. Upon motion by either party, the guardian ad litem or the court-appointed special advocate, and after a hearing by the court, the full order of protection may be renewed for a period not to exceed one hundred eighty days from the expiration date of the originally issued full order of protection. If for good cause a hearing cannot be held on the motion to renew the full order of protection prior to the expiration

date of the originally issued full order of protection, an ex parte order of protection may be issued until a hearing is held on the motion. Upon motion by either party, the guardian ad litem or the court appointed special advocate, and after a hearing by the court, the second full order of protection may be renewed for an additional period not to exceed one hundred eighty days from the expiration date of the second full order of protection. If for good cause a hearing cannot be held on the motion to renew the second full order of protection prior to the expiration date of the second order, an ex parte order of protection may be issued until a hearing is held on the motion. The total time period for the consecutive orders of protection based upon the original petition shall not exceed eighteen months. For purposes of this subsection, a finding by the court of a subsequent act of abuse is not required for a renewal order of protection.

2. The court shall cause a copy of the petition and notice of the date set for the hearing on such petition and any ex parte order of protection to be personally served upon the respondent by personal process server as provided by law or by any sheriff or police officer at least three days prior to such hearing. Such shall be served at the earliest time, and service of such shall take priority over service in other actions, except those of a similar emergency nature. The court shall cause a copy of any full order of protection to be served upon or mailed by certified mail to the respondent at his last known address. Failure to serve or mail a copy of the full order of protection to the respondent shall not affect the validity or enforceability of a full order of protection.

3. A copy of any order of protection granted under sections 455.500 to 455.538 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where the petitioner resides. **The clerk shall also issue a copy of any order of protection to the local law enforcement agency responsible for maintaining the Missouri uniform law enforcement system (MULES) or any other comparable law enforcement system the same day the order is granted. The law enforcement agency responsible for maintaining MULES shall enter information contained in the order for purposes of verification within twenty-four hours from the time the order is granted.** A notice of expiration or of termination of any order of protection shall be issued to such local law enforcement agency **and to the law enforcement agency responsible for maintaining MULES or any other comparable law enforcement system. The law enforcement agency responsible for maintaining the applicable law enforcement system shall enter such information in the system. The information contained in an order of protection may be entered in the Missouri uniform law enforcement system or comparable law enforcement system using a direct automated data transfer from the court automated system to the law enforcement system.**

4. **A copy of the petition and notice of the date set for the hearing on such petition and any order of protection granted pursuant to sections 455.500 to 455.538 shall be issued to the juvenile office in the jurisdiction where the petitioner resides. A notice of expiration or of termination of any order of protection shall be issued to such juvenile office.**

**476.058. COURT PERSONNEL DEFINED — STATE COURT ADMINISTRATION REVOLVING FUND CREATED.** — 1. As used in this section, the term "court personnel" includes all personnel of all state courts and all divisions of the courts, including juvenile, family and municipal divisions, and clerks, deputy clerks, division clerks, official court reporters, law clerks and court administrators, but not including judges.

2. There is hereby established in the state treasury the "State Court Administration Revolving Fund". Any moneys received by or on behalf of the state court administrator from registration fees, grants, or any other source in connection with the training and education of court personnel provided pursuant to this section shall be deposited into the fund.

3. **In addition, any moneys received by or on behalf of the state courts administrator from fees, grants, or any other sources in connection with the preparation of court transcripts shall be deposited in the fund provided, however, that moneys collected in the**

**fund in connection with a particular purpose shall be segregated and shall not be disbursed for any other purpose.**

**4.** The state treasurer shall administer the fund and shall disburse moneys from the fund to the state courts administrator pursuant to appropriations in order to provide training [and], to purchase goods and services related to the training and education of court personnel, **and to pay for goods and services associated with the preparation of court transcripts.**

[4.] **5.** Any unexpended balance remaining in the fund at the end of each biennium shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund, until the amount in the state courts administration revolving fund exceeds the greater of either one-half of the expenditures from the fund during the previous year, or fifty thousand dollars.

**476.340. EXECUTIVE COUNCIL SHALL BE GOVERNING BODY, HOW FORMED — MEMBERS.** — 1. The governing body of the conference, between annual sessions, shall be the executive council. The executive council shall consist of the following members:

(1) The chief justice of the supreme court, or some member of the supreme court appointed by him;

(2) Two other members of the supreme court appointed by the supreme court;

(3) One member of each district of the court of appeals elected by the judges thereof, respectively;

(4) Eight circuit judges, other than judges of the probate division, three of whom shall be elected for three-year terms, one from each district of the court of appeals, by the circuit judges, other than judges of the probate division, of the district to represent each of the districts of the court of appeals, respectively. A judge whose circuit is in part in more than one district of the court of appeals may vote in and be elected to represent either district but not both. Five of the circuit judges on the council shall be elected for three-year terms by the circuit judges of the state;

(5) One judge of the probate division of circuit courts in counties having a population of more than thirty thousand inhabitants elected for a three-year term by the judges of the probate divisions of the circuit courts in such counties;

(6) Three associate circuit judges elected for three-year terms, one from each district of the court of appeals, by the associate circuit judges of the district to represent each of the districts of the court of appeals, respectively;

(7) Three other associate circuit judges elected for three-year terms by the associate circuit judges of the state;

(8) One associate circuit judge from counties having a population of thirty thousand inhabitants or less elected for a three-year term by the associate circuit judges in such counties;

(9) One retired judge or commissioner who is a member of the judicial conference elected for a three-year term by such judges and commissioners. Members of the executive council on August 28, [1993] **2003**, shall serve out their terms and their replacements shall be elected under the provisions of this section. **Vacancies shall be filled for the unexpired term of any member as provided by resolution of the judicial conference.**

2. The executive council shall have general supervision of the work of the conference and such other duties and authority as may be given to it under rules or resolutions adopted by the conference. The members of the executive council shall elect one of its members vice president to act in the absence of the chief justice.

**476.385. SCHEDULE OF FINES COMMITTEE, APPOINTMENT, DUTIES, POWERS — ASSOCIATE CIRCUIT JUDGES MAY ADOPT SCHEDULE — CENTRAL VIOLATIONS BUREAU ESTABLISHED — POWERS, DUTIES.** — 1. The judges of the supreme court may appoint a committee consisting of at least seven associate circuit judges, who shall meet en banc and establish and maintain a schedule of fines to be paid for violations of [section] **sections 210.104, 577.070, and 577.073**, RSMo, and chapters 252, 301, 302, 304, 306, 307 and 390, RSMo, with

such fines increasing in proportion to the severity of the violation. The associate circuit judges of each county may meet en banc and adopt the schedule of fines and participation in the centralized bureau pursuant to this section. Notice of such adoption and participation shall be given in the manner provided by supreme court rule. Upon order of the supreme court, the associate circuit judges of each county may meet en banc and establish and maintain a schedule of fines to be paid for violations of municipal ordinances for cities, towns and villages electing to have violations of its municipal ordinances heard by associate circuit judges, pursuant to section 479.040, RSMo; and for traffic court divisions established pursuant to section 479.500, RSMo. The schedule of fines adopted for violations of municipal ordinances may be modified from time to time as the associate circuit judges of each county en banc deem advisable. No fine established pursuant to this subsection may exceed the maximum amount specified by statute or ordinance for such violation.

2. In no event shall any schedule of fines adopted pursuant to this section include offenses involving the following:

- (1) Any violation resulting in personal injury or property damage to another person;
- (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or drugs;
- (3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;
- (4) Fleeing or attempting to elude an officer.

3. There shall be a centralized bureau to be established by supreme court rule in order to accept pleas of not guilty or guilty and payments of fines and court costs for violations of the laws and ordinances described in subsection 1 of this section, made pursuant to a schedule of fines established pursuant to this section. The centralized bureau shall collect, with any plea of guilty and payment of a fine, all court costs which would have been collected by the court of the jurisdiction from which the violation originated.

4. If a person elects not to contest the alleged violation, the person shall send payment in the amount of the fine and any court costs established for the violation to the centralized bureau. Such payment shall be payable to the "central violations bureau", shall be made by mail or in any other manner established by the centralized bureau, and shall constitute a plea of guilty, waiver of trial and a conviction for purposes of section 302.302, RSMo, and for purposes of imposing any collateral consequence of a criminal conviction provided by law. Notwithstanding any provision of law to the contrary, the prosecutor shall not be required to sign any information, ticket or indictment if disposition is made pursuant to this subsection. In the event that any payment is made pursuant to this section by credit card or similar method, the centralized bureau may charge an additional fee in order to reflect any transaction cost, surcharge or fee imposed on the recipient of the credit card payment by the credit card company.

5. If a person elects to plead not guilty, such person shall send the plea of not guilty to the centralized bureau. The bureau shall send such plea and request for trial to the prosecutor having original jurisdiction over the offense. Any trial shall be conducted at the location designated by the court. The clerk of the court in which the case is to be heard shall notify in writing such person of the date certain for the disposition of such charges. The prosecutor shall not be required to sign any information, ticket or indictment until the commencement of any proceeding by the prosecutor with respect to the notice of violation.

6. In courts adopting a schedule of fines pursuant to this section, any person receiving a notice of violation pursuant to this section shall also receive written notification of the following:

(1) The fine and court costs established pursuant to this section for the violation or information regarding how the person may obtain the amount of the fine and court costs for the violation;

(2) That the person must respond to the notice of violation by paying the prescribed fine and court costs, or pleading not guilty and appearing at trial, and that other legal penalties prescribed by law may attach for failure to appear and dispose of the violation. The supreme court may modify the suggested forms for uniform complaint and summons for use in courts

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adopting the procedures provided by this section, in order to accommodate such required written notifications.

7. Any moneys received in payment of fines and court costs pursuant to this section shall not be considered to be state funds, but shall be held in trust by the centralized bureau for benefit of those persons or entities entitled to receive such funds pursuant to this subsection. All amounts paid to the centralized bureau shall be maintained by the centralized bureau, invested in the manner required of the state treasurer for state funds by sections 30.240, 30.250, 30.260 and 30.270, RSMo, and disbursed as provided by the constitution and laws of this state. Any interest earned on such fund shall be payable to the director of the department of revenue for deposit into a revolving fund to be established pursuant to this subsection. The state treasurer shall be the custodian of the revolving fund, and shall make disbursements, as allowed by lawful appropriations, only to the judicial branch of state government for goods and services related to the administration of the judicial system.

8. Any person who receives a notice of violation subject to this section who fails to dispose of such violation as provided by this section shall be guilty of failure to appear provided by section 544.665, RSMo; and may be subject to suspension of driving privileges in the manner provided by section 302.341, RSMo. The centralized bureau shall notify the appropriate prosecutor of any person who fails to either pay the prescribed fine and court costs, or plead not guilty and request a trial within the time allotted by this section, for purposes of application of section 544.665, RSMo. The centralized bureau shall also notify the department of revenue of any failure to appear subject to section 302.341, RSMo, and the department shall thereupon suspend the license of the driver in the manner provided by section 302.341, RSMo, as if notified by the court.

9. In addition to the remedies provided by subsection 8 of this section, the centralized bureau and the courts may use the remedies provided by sections 488.010 to 488.020, RSMo, for the collection of court costs payable to courts, in order to collect fines and court costs for violations subject to this section.

**477.600. JUDICIAL FINANCE COMMISSION MEMBERS, TERMS, VACANCIES, COMPENSATION — POWERS, DUTIES, STAFF.** — 1. There is hereby created within the judicial department a "Judicial Finance Commission". The commission shall be composed of seven members appointed by the supreme court. At least one member of the commission shall be a member of a county governing body from a county of the third class, one member of the commission shall be a member of the county governing body of a county of the first class, and one member of the commission shall be a member of a county governing body from any class of county. The supreme court shall designate one member to serve as chairman and one member as vice chairman. The vice chairman shall preside in the absence of the chairman.

2. The members of the commission shall serve for terms of three years and until their successors are appointed and qualified; except that of the initial members appointed, three shall serve for terms of one year, two shall serve for terms of two years and two shall serve for terms of three years, as designated by the court.

3. If a vacancy occurs the court shall appoint a replacement. The replacement shall serve the unexpired portion of the term and may be appointed to successive terms.

4. The commission shall promulgate rules of procedure which shall become effective upon approval by the supreme court. The supreme court may adopt such other rules as it deems appropriate to govern the procedures of the commission.

5. The commission shall:

(1) Examine the budget request of the circuit court upon the petition by the county governing body as provided in section 50.640, RSMo, or any budget or item in the budget estimated by the court including, but not limited to, compensation of deputy sheriffs and assistants, as set forth in section 57.250, RSMo;

(2) Issue a written opinion addressed to the presiding circuit judge and the presiding officer of the county. The opinion shall state the conclusions of the commission as to the reasonableness of the circuit court budget request. The opinion of the commission shall state clearly the reasons for its decision. Any member of the commission who disagrees with the commission's findings may file a minority report;

(3) Maintain accurate records of the cost and expenses of the judicial and law enforcement agencies for each county;

(4) Submit an annual report to the governor, general assembly, and supreme court on the finances of the judicial department. The report shall examine both the revenues of the department and the expenses of the department. The report shall [separately report on] **include the information from all divisions of the circuit court of each county including** the circuit, associate circuit, **probate**, juvenile and municipal divisions [of the circuit court of each county]. **The information shall be reported separately except where the divisions are combined or consolidated.**

6. In discharging its responsibilities, the commission may:

(1) Conduct public hearings, take testimony, summon witnesses, and subpoena records and documents;

(2) Conduct surveys and collect data from county governments and the circuit courts on the operations of the judicial and law enforcement agencies in each county. The commission and its staff shall be granted access at any reasonable time to all books, records, and data the commission deems necessary for the administration of its duties;

(3) Within the limits of appropriations made for the purpose, appoint special committees, accept and expend grant funds, and employ consultants and others to assist the commission in its work.

7. Upon receipt of the written opinion of the commission or upon refusal of the commission to accept a petition for review, the circuit court or the county governing body may seek a review by the supreme court by filing a petition for review in the supreme court within thirty days of the receipt of the commission's opinion. If a petition for review is not filed in the supreme court, then the recommendation of the commission shall take effect notwithstanding the provisions of section 50.600, RSMo. If the commission refused to review a petition and no petition is filed in the supreme court, the circuit court budget is approved as submitted to the county governing body. The supreme court shall consider the petition for review de novo.

8. The commission shall meet as necessary at the call of the chairman or on written request of four members. Four members constitute a quorum for the transaction of business. Upon request of the chairman, the supreme court may appoint a temporary replacement for any commissioner who is unable to hear a case or who is disqualified from any case. No member of the commission shall participate in any proceeding involving the county or circuit where the member resides.

9. Members of the commission shall receive no compensation for their services but shall be reimbursed out of funds appropriated for this purpose for their actual and necessary expenses incurred in the performance of their duties.

10. The clerk of the supreme court shall provide suitable staff for the commission out of any funds appropriated for this purpose. The commission may also employ court reporters as necessary to take testimony at hearings held pursuant to section 50.640, RSMo. The reporters shall be compensated at a rate established by the commission out of any funds appropriated for this purpose.

**488.032. FEES OF WITNESSES — EXAMINATION ON OATH.** — 1. Witnesses shall, pursuant to section 491.280, RSMo, be allowed fees for their services [subject to guidelines to be promulgated by the supreme court].

2. Each witness may be examined on oath by the court or by the clerk when the court shall so order as to factors relevant to the proper amount of payment pursuant to this section.

**488.426. DEPOSIT REQUIRED IN CIVIL ACTIONS — EXEMPTIONS — SURCHARGE TO REMAIN IN EFFECT.** — 1. The judges of the circuit court, en banc, in any circuit in this state may require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit with the clerk of the court a surcharge in addition to all other deposits required by law or court rule. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are to be paid by the county or state or any city.

2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by the circuit court. The circuit court in any circuit, except the circuit court in Jackson County may change the fee to any amount not to exceed fifteen dollars. The circuit court in Jackson County may change the fee to any amount not to exceed twenty dollars. A change in the fee shall become effective and remain in effect until further changed [beginning on January first if the office of state courts administrator is notified of the proposed change not later than the preceding September first].

3. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are paid by the county or state or any city.

**488.429. FUND PAID TO TREASURER DESIGNATED BY CIRCUIT JUDGE — USE OF FUND FOR LAW LIBRARY, AND COURTROOM RENOVATION AND TECHNOLOGY ENHANCEMENT IN CERTAIN COUNTIES** — 1. Moneys collected pursuant to section 488.426 shall be payable to the judges of the circuit court, en banc, of the county from which such surcharges were collected, or to such person as is designated by local circuit court rule as treasurer of said fund, and said fund shall be applied and expended under the direction and order of the judges of the circuit court, en banc, of any such county for the maintenance and upkeep of the law library maintained by the bar association in any such county, or such other law library in any such county as may be designated by the judges of the circuit court, en banc, of any such county; provided, that the judges of the circuit court, en banc, of any such county, and the officers of all courts of record of any such county, shall be entitled at all reasonable times to use the library to the support of which said funds are applied.

2. In any county of the first classification without a charter form of government and with a population of at least two hundred thousand, such fund may also be applied and expended for that county's or circuit's family services and justice fund.

**3. In any county of the third classification without a township form of government and with more than forty thousand eight hundred but less than forty thousand nine hundred inhabitants or in any county of the third classification without a township form of government and with more than thirteen thousand five hundred but less than thirteen thousand six hundred inhabitants, such fund may also be applied and expended for courtroom renovation and technology enhancement in those counties.**

**488.2300. FAMILY SERVICES AND JUSTICE FUND ESTABLISHED, WHERE — PURPOSE — SURCHARGE, COLLECTION, PAYMENT — FUNDINGS FOR ENHANCED SERVICES, CONDITIONS — REIMBURSEMENT FOR COSTS OF SALARIES.** — 1. A "Family Services and Justice Fund" is hereby established in each county or circuit with a family court, for the purpose of aiding with the operation of the family court divisions and services provided by those divisions. In circuits or counties having a family court, the circuit clerk shall charge and collect a surcharge of thirty dollars in all proceedings falling within the jurisdiction of the family court. The surcharge shall not be charged when no court costs are otherwise required, shall not be charged **against the petitioner** for actions filed pursuant to the provisions of chapter 455, RSMo, **but may be charged to the respondent in such actions**, shall not be charged to a government agency and shall not be charged in any proceeding when costs are waived or are to be paid by the state, county or municipality.

2. In juvenile proceedings under chapter 211, RSMo, a judgment of up to thirty dollars may be assessed against the child, parent or custodian of the child, in addition to other amounts

authorized by law, in informal adjustments made under the provisions of sections 211.081 and 211.083, RSMo, and in an order of disposition or treatment under the provisions of section 211.181, RSMo. The judgment may be ordered paid to the clerk of the circuit where the assessment is imposed [and shall be collected and disbursed in the manner provided by sections 488.010 to 488.020].

3. All sums collected pursuant to this section and section 487.140, RSMo, shall be payable to the various county family services and justice funds.

4. Any moneys in the family services and justice fund not expended for salaries of commissioners, family court administrators and family court staff shall be used toward funding the enhanced services provided as a result of the establishment of a family court; however, it shall not replace or reduce the current and ongoing responsibilities of the counties to provide funding for the courts as required by law. Moneys collected for the family services and justice fund shall be expended for the benefit of litigants and recipients of services in the family court, with priority given to services such as mediation, counseling, home studies, psychological evaluation and other forms of alternative dispute-resolution services. Expenditures shall be made at the discretion of the presiding judge or family court administrative judge, as designated by the circuit and associate circuit judges en banc, for the implementation of the family court system as set forth in this section. No moneys from the family services and justice fund may be used to pay for mediation in any cause of action in which domestic violence is alleged.

5. From the funds collected pursuant to this section and retained in the family services and justice fund, each circuit or county in which a family court commissioner in addition to those commissioners existing as juvenile court commissioners on August 28, 1993, have been appointed pursuant to sections 487.020 to 487.040, RSMo, shall pay to and reimburse the state for the actual costs of that portion of the salaries of family court commissioners appointed pursuant to the provisions of sections 487.020 to 487.040, RSMo.

6. No moneys deposited in the family services and justice fund may be expended for capital improvements.

**488.4014. COURT COSTS IN CERTAIN CIVIL AND CRIMINAL CASES, EXCEPTIONS — COLLECTION AND DEPOSIT PROCEDURE — DISTRIBUTION — COUNTY ENTITLED TO JUDGMENT, WHEN.** — 1. A fee of ten dollars[, as provided in section 67.133, RSMo,] shall be assessed in all cases in which the defendant is convicted of violating any provision of chapters 252, 301, 302, 304, 306, 307 and 390, RSMo, and any infraction otherwise provided by law, twenty-five dollars in all misdemeanor cases otherwise provided by law, and seventy-five dollars in all felony cases, in criminal cases including violations of any county ordinance or any violation of a criminal or traffic law of the state, except that no such fees shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. All fees collected under the provisions of **this** section [67.133, RSMo,] shall be collected and disbursed in the manner provided by sections 488.010 to 488.020 and payable to the county treasurer who shall deposit those funds in the county treasury.

2. Counties shall be entitled to a judgment in the amount of twenty-five percent of all sums collected, pursuant to **this** section [67.133, RSMo], on recognizances given to the state in criminal cases, which are or may become forfeited, if not more than five hundred dollars, and fifteen percent of all sums over five hundred dollars, to be paid out of the amount collected.

**488.5320. CHARGES IN CRIMINAL CASES, SHERIFFS AND OTHER OFFICERS.** — 1. Sheriffs, county marshals or other officers shall be allowed a charge[, as provided in section 57.290, RSMo,] for their services rendered in criminal cases and in all proceedings for contempt or attachment, as required by law, the sum of seventy-five dollars for each felony case or contempt or attachment proceeding, ten dollars for each misdemeanor case, and six dollars for each infraction, excluding cases disposed of by a traffic violations bureau established pursuant

to law or supreme court rule. Such charges shall be charged and collected in the manner provided by sections 488.010 to 488.020 and shall be payable to the county treasury.

2. The sheriff receiving any charge pursuant to [section 57.290, RSMo,] **subsection 1 of this section** shall reimburse the sheriff of any other county or the City of St. Louis the sum of three dollars for each pleading, writ, summons, order of court or other document served in connection with the case or proceeding by the sheriff of the other county or city, and return made thereof, to the maximum amount of the total charge received pursuant to [section 57.290, RSMo] **subsection 1 of this section.**

[3. As provided in section 57.290, RSMo, in cities and counties having a population of three hundred thousand inhabitants and over, each deputy sheriff, but not more than two deputy sheriffs, shall be allowed six dollars for each day during the term of court, to be paid by the city or county having a population of three hundred thousand inhabitants or over.

4. For the services of taking convicted offenders to the reception and diagnostic center designated by the director of the department of corrections, the sheriff, county marshal or other officers shall, as provided in section 57.290, RSMo, receive the sum of eight dollars per day for the time actually and necessarily employed in traveling to and from the reception and diagnostic center, and each guard shall, as provided in section 57.290, RSMo, receive the sum of six dollars per day for the same, and the sheriff, county marshal or other officer and guard shall, as provided in section 57.290, RSMo, receive the mileage rate prescribed by section 57.290, RSMo, for the distance necessarily traveled in going to and returning from the reception and diagnostic center, the time and distance to be estimated by the most usually traveled route from the place of departure to the reception and diagnostic center; the mileage rate prescribed by section 57.290, RSMo, for each mile traveled shall be allowed to the sheriff to cover all expenses on each convicted offender while being taken to the reception and diagnostic center; and all persons convicted and sentenced to imprisonment in the department of corrections at any term or sitting of the court, shall be taken to the reception and diagnostic center at the same time, unless prevented by sickness or unavoidable accident. In cities having a population of two hundred thousand inhabitants or more, convicted offenders shall be taken to the reception and diagnostic center as often as the sheriff deems necessary. When three or more convicted offenders are being taken to the reception and diagnostic center at one time, a guard may be employed, as provided in section 57.290, RSMo, but no guard shall be employed for a less number of convicted offenders except upon the order, entered of record, of the judge of the court in which the conviction was had, and any additional guards employed by order of the judge shall, in no event, exceed one for every three convicted offenders; and before any claim for taking convicted offenders to the reception and diagnostic center is allowed, the sheriff, or other officer conveying such convicted offender, shall file with the state commissioner of administration an itemized statement of such sheriff's account, in which the sheriff shall give the name of each convicted offender conveyed and the name of each guard actually employed, with the number of miles necessarily traveled and the number of days required, which in no case shall exceed three days, and which account shall be signed and sworn to by such officer and accompanied by a certificate from the chief administrative officer or such officer's designee of the reception and diagnostic center, that such convicted offenders have been delivered at the reception and diagnostic center and were accompanied by each of the officers and guards named in the account.

5. The sheriff or other officer who shall take a person, charged with a criminal offense, from the county in which the offender is apprehended to that in which the offense was committed, or who may remove a prisoner from one county to another for any cause authorized by law, or who shall have in custody or under such sheriff's or officer's charge any person undergoing an examination preparatory to such person's commitment more than one day for transporting, safekeeping and maintaining any such person, shall be allowed by the court having cognizance of the offense, three dollars and fifty cents per day, as provided in section 57.290, RSMo, for every day such sheriff or officer may have such person under such sheriff's or officer's

charge, when the number of days shall exceed one, and the mileage rate prescribed by section 57.290, RSMo, for every mile necessarily traveled in going to and returning from one county to another, and the guard employed, who shall in no event exceed the number allowed the sheriff, marshal or other officer in transporting convicted offenders to the reception and diagnostic center, shall be allowed, as provided in section 57.290, RSMo, the same compensation as the officer. Three dollars and fifty cents per day, mileage same as officer, shall be allowed for board and all other expenses of each prisoner. No compensation shall be allowed under this section for taking the prisoner or prisoners from one place to another in the same county, excepting in counties which have two or more courts with general criminal jurisdiction. In such counties the sheriff shall have the same fees for conveying prisoners from the jail to place of trial as are allowed for conveying prisoners in like cases from one county to another, and the expenses incurred in transporting prisoners from one county to another, occasioned by the insufficiency of the county jail or threatened mob violence, shall be paid by the county in which such case may have originated; provided that the court is held at a place more than five miles from the jail; and no court shall allow the expense of a guard, although it may have actually been incurred, unless from the evidence of disinterested persons it shall be satisfied that a guard was necessary; provided, that when the place of conviction is remote from a railroad, upon which a convicted offender may be transported to the reception and diagnostic center, the court before which such convicted offender is sentenced may, for good cause shown, allow one guard for every two convicted offenders, such guard to receive three dollars a day and the mileage rate prescribed by section 57.290, RSMo, for every mile necessarily traveled in going to and returning from the nearest depot on such railroad to the place where such convicted offender was sentenced.

6.] **3.** The charges provided in subsection 1 of this section shall be taxed as other costs in criminal [procedure] **proceedings** immediately after conviction of any defendant in any criminal procedure. The clerk shall tax all the costs in the case against such defendant, which shall be collected and disbursed as provided by sections 488.010 to 488.020; provided, that no such charge shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court; provided further, that all costs, incident to the issuing and serving of writs of scire facias and of writs of fieri facias, and of attachments for witnesses of defendant, shall in no case be paid by the state, but such costs incurred under writs of fieri facias and scire facias shall be paid by the defendant and such defendant's sureties, and costs for attachments for witnesses shall be paid by such witnesses.

[7.] **4.** Mileage shall be reimbursed to sheriffs, county marshals and guards for all services rendered pursuant to **this** section [57.290, RSMo,] at the rate prescribed by the Internal Revenue Service for allowable expenses for motor vehicle use expressed as an amount per mile.

**488.5339. SURCHARGE FOR CRIME VICTIMS' COMPENSATION FUND, EXCEPTIONS — SURCHARGE IN JUVENILE COURT PROCEEDINGS WHERE CHILD ALLEGEDLY VIOLATES STATE LAW OR MUNICIPAL ORDINANCE — DISBURSEMENT.** — 1. There is created in section 595.045, RSMo, the crime victims' compensation fund. A surcharge of [five] **seven dollars and fifty cents** shall be assessed pursuant to section 595.045, RSMo, as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. A surcharge of [five] **seven dollars and fifty cents** shall be assessed pursuant to section 595.045, RSMo, as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031, RSMo.

2. Notwithstanding any other provision of law to the contrary, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020.

**491.280. FEES OF WITNESSES.** — 1. Witnesses shall be allowed fees for their services [subject to guidelines to be promulgated by the supreme court] **in the amount of twenty-five dollars per day plus a mileage allowance determined as provided in section 33.095, RSMo.**

2. Each witness may be examined on oath by the court or by the clerk when the court shall so order, as to factors relevant to the proper amount of payment pursuant to this section.

**494.410. MASTER JURY LIST.** — 1. The board of jury commissioners shall compile and maintain a list of potential jurors and their addresses, and shall update such list periodically in a manner to be determined by the board. [In compiling this list, to be known as the master jury list, the board of jury commissioners shall consult one or more public records.] The master jury list shall be comprised of not less than five percent of the total population of the county or city not within a county as determined from the last decennial census. In no event shall the master jury list contain less than four hundred names. In compiling the master jury list the board of jury commissioners shall take reasonable measures to avoid duplication of names. [The master jury list shall be the result of random selection of names from public records.]

2. **Beginning July 1, 2004, the master jury list shall be the result of random selection of names from a minimum of two government records including, but not limited to, personal property tax list, voter's registration list, and driver's license records. The information furnished by the department of revenue shall not be disclosed except as allowed pursuant to federal law.**

3. Whoever has custody, possession, or control of any record used in compiling the master jury list shall make the record available to the board of jury commissioners for inspection, reproduction and copying at all reasonable times.

[3.] 4. The **names on the** master jury list shall be considered a public record. The master jury list and copies of all records used in compiling the list shall be retained by the board of jury commissioners for at least five years after compilation of the list.

**506.060. PERIODS OF TIME PRESCRIBED OR ALLOWED BY CODE — HOW COMPUTED.**

— 1. In computing any period of time prescribed or allowed by this code, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a **Saturday**, Sunday, or a legal holiday, in which event the period runs until the end of the next day which is neither a **Saturday**, Sunday, nor a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate **Saturdays**, Sundays, and legal holidays shall be excluded in the computation. [A half holiday shall be considered as other days and not as a legal holiday.]

2. When by this code or by a notice given thereunder or by order of the court an act is required or allowed to be done at or within a specified time, the court for cause shown may, at any time in its discretion:

(1) With or without motion or notice, order the period enlarged if application therefor is made before the expiration of the period originally prescribed or as extended by a previous order; or

(2) Upon motion permit the act to be done after the expiration of the specified period where the failure to act was the result of excusable neglect; but it may not enlarge the period for filing a motion for or granting a new trial, or for commencing an action or taking an appeal as provided by this code.

3. The period of time provided for the doing of any act or the taking of any proceeding is not affected or limited by the expiration of a term of court. The expiration of a term of court in no way affects the power of a court to do any act or take any proceeding in any civil action which it is otherwise by law authorized to take and which is pending before it.

4. A written motion, other than one which may be heard ex parte, and notice of the hearing thereof shall be served not later than five days before the time specified for the hearing, unless

a different period is fixed by law or court rule or by order of the court. Such an order may for cause shown be made on ex parte application. When a motion is supported by an affidavit, the affidavit shall be served with the motion; and, except as otherwise provided by law in connection with motion for new trial, opposing affidavits may be served not later than one day before the hearing, unless the court permits them to be served at some other time.

**510.120. CONTINUANCE WHEN COUNSEL OR PARTY IS A MEMBER OF GENERAL ASSEMBLY.** — In all civil cases **or administrative proceedings** or in criminal cases pending in [any court of] this state at any time when the general assembly is in **regular session, veto session, special session, or holding out-of-session committee hearings**, it shall be a sufficient cause for a continuance if it shall appear to the court, by affidavit, that any party applying for such continuance, or any attorney, solicitor or counsel of such party is a member of either house of the general assembly, and in actual attendance on the **out-of-session committee hearings, regular session, special session, or veto session**, of the same, and that the attendance of such party, attorney, solicitor or counsel is necessary to a fair and proper trial or other proceeding in such suit; and on the filing of such affidavit the court shall continue such suit and any and all motions or other proceedings therein, of every kind and nature, including the taking of depositions **and discovery responses**, and thereupon no trial or other proceedings of any kind or nature shall be had therein until the adjournment or recess for twenty days or more of the **regular session, special session, or veto session of the** general assembly, nor for ten days [thereafter] **before or after, or the day of any out-of-session committee hearings**. Such affidavit shall be sufficient, if made at any time during the **out-of-session committee hearings, regular session, special session, or veto session** of the general assembly, showing that at the time of making the same such party, attorney, solicitor or counsel is in actual attendance upon such **out-of-session committee hearings, regular session, special session, or veto session** of the general assembly.

**511.350. LIENS ON REAL ESTATE ESTABLISHED BY JUDGMENT OR DECREES IN COURTS OF RECORD, EXCEPTION — ASSOCIATE CIRCUIT COURT, PROCEDURE REQUIRED — NO ADMINISTRATIVE AMENDMENTS.** — 1. Judgments and decrees [rendered] **entered** by the supreme court, by any United States district or circuit court held within this state, by any district of the court of appeals, by any circuit court and any probate division of the circuit court, except judgments and decrees rendered by associate, small claims and municipal divisions of the circuit courts, shall be liens on the real estate of the person against whom they are [rendered] **entered**, situate in the county for which or in which the court is held.

2. Judgments and decrees rendered by the associate divisions of the circuit courts shall not be liens on the real estate of the person against whom they are rendered until such judgments or decrees are filed with the clerk of the circuit court pursuant to sections 517.141 and 517.151, RSMo.

3. Judgments and decrees [rendered] **entered** by the small claims and municipal divisions of the circuit court shall not constitute liens against the real estate of the person against whom they are rendered.

**4. Notwithstanding any other provision of law, no judgments or decrees entered by any court of competent jurisdiction may be amended or modified by any administrative agency.**

**511.510. DUTY OF CLERK TO FURNISH AND ENTER ABSTRACTS — SATISFACTION OF JUDGMENTS — LIABILITY OF CLERK.** — It shall be the duty of [each of the circuit] **the** clerks **of any division of the circuit court to**, within five days after the rendition of any final judgment in their respective [courts, to] **division** enter an abstract of such judgment in the record as required in section 511.500; and [each circuit] **the** clerk shall immediately enter the same when the abstract aforesaid shall be furnished to such clerk by any party interested, or such party's

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agent; and each of the clerks and their sureties shall be respectively liable for any damage occasioned by any neglect to perform the duties hereby required of them respectively; and it is further provided, that whenever any personal representative, guardian or conservator, or any party interested, or such party's agent, shall exhibit to the [circuit] clerk of the [circuit] court wherein such judgment may be recorded a receipt or certificate of the proper officer, stating that such judgment has been duly satisfied, then the circuit clerk shall, without further fee, enter satisfaction of such judgment in such clerk's office in the record as required in section 511.500.

**512.180. APPEALS FROM CASES TRIED BEFORE ASSOCIATE CIRCUIT JUDGE.** — 1. Any person aggrieved by a judgment in a civil case tried without a jury before an associate circuit judge, other than an associate circuit judge sitting in the probate division or who has been assigned to hear the case on the record under procedures applicable before circuit judges, shall have the right of a trial de novo in all cases where the [petition] **pleading** claims damages not to exceed three thousand dollars.

2. In all other contested civil cases tried with or without a jury before an associate circuit judge or on assignment under such procedures applicable before circuit judges or in any misdemeanor case or county ordinance violation case a record shall be kept, and any person aggrieved by a judgment rendered in any such case may have an appeal upon that record to the appropriate appellate court. At the discretion of the judge, but in compliance with the rules of the supreme court, the record may be a stenographic record or one made by the utilization of electronic, magnetic, or mechanical sound or video recording devices.

**513.475. HOMESTEAD DEFINED — EXEMPT FROM EXECUTION — SPOUSES DEBARRED FROM SELLING, WHEN.** — 1. The homestead of every person, consisting of a dwelling house and appurtenances, and the land used in connection therewith, not exceeding the value of [eight] **fifteen** thousand dollars, which is or shall be used by such person as a homestead, shall, together with the rents, issues and products thereof, be exempt from attachment and execution. The exemption allowed under this section shall not be allowed for more than one owner of any homestead if one owner claims the entire amount allowed under this subsection; but, if more than one owner of any homestead claims an exemption under this section, the exemption allowed to each of such owners shall not exceed, in the aggregate, the total exemption allowed under this subsection as to any one homestead.

2. Either spouse separately shall be debarred from and incapable of selling, mortgaging or alienating the homestead in any manner whatever, and every such sale, mortgage or alienation is hereby declared null and void; provided, however, that nothing herein contained shall be so construed as to prevent the husband and wife from jointly conveying, mortgaging, alienating or in any other manner disposing of such homestead, or any part thereof.

**536.077. SUBPOENAS, ISSUANCE — FORM — HOW SERVED — HOW ENFORCED.** — In any contested case before an agency created by the constitution or state statute, such agency shall upon request of any party issue subpoenas and shall in a proper case issue subpoenas duces tecum. Subpoenas other than subpoenas duces tecum shall on request of any party be issued with the caption and number of the case, the name of the witness, and the date for appearance in blank, but such caption, number, name and date shall be filled in by such party before service. Subpoenas shall extend to all parts of the state, and shall be served and returned as in civil actions in the circuit court. The witness shall be entitled to the same fees and, if compelled to travel more than forty miles from his place of residence, shall be entitled to the same tender of fees for travel and attendance, and at the same time, as is now or may hereafter be provided for witnesses in civil actions in the circuit court, such fees to be paid by the party or agency subpoenaing him, except where the payment of such fees is otherwise provided for by law. The agency **or the party at whose request the subpoena is issued** shall enforce subpoenas by applying to a judge of the circuit court of the county of the hearing or of any county where the

witness resides or may be found, for an order upon any witness who shall fail to obey a subpoena to show cause why such subpoena should not be enforced, which said order and a copy of the application therefor shall be served upon the witness in the same manner as a summons in a civil action, and if the said circuit court shall, after a hearing, determine that the subpoena should be sustained and enforced, said court shall proceed to enforce said subpoena in the same manner as though said subpoena had been issued in a civil case in the circuit court.

**The court shall permit the agency and any party to intervene in the enforcement action.**

Any such agency may delegate to any member, officer, or employee thereof the power to issue subpoenas in contested cases; provided that, except where otherwise authorized by law, subpoenas duces tecum shall be issued only by order of the agency or a member thereof.

**540.021. SELECTION OF GRAND JURORS, SUMMONS AND JURY QUALIFICATION FORM — NOTIFICATION OF PERSONS NOT QUALIFIED TO SERVE — ALTERNATE GRAND JURORS — LENGTH OF SERVICE — COMPENSATION. —**

1. Upon order of the presiding judge of the circuit court, or a judge designated by the presiding judge, names of **prospective grand jurors** shall be randomly selected from the [special grand] **master** jury list in the manner determined by the board of jury commissioners. A summons for grand jury service and a juror qualification form shall be mailed or personally served to those persons selected in the form and as required by section 494.415, RSMo, for petit jurors.

2. If it is determined from an examination of the juror qualification form that a person is not qualified to serve as a grand juror, that person shall be notified in a manner directed by the board of jury commissioners, and shall not be required to comply with the summons for grand jury service. The names of disqualified persons shall be deleted from the grand jury list.

3. Those prospective grand jurors not disqualified from grand jury service shall constitute the grand jury list. If later determined to be ineligible or disqualified, their names shall be deleted from the [grand] **master** jury list.

4. Those persons summoned for grand jury service shall be placed under the control and supervision of the presiding judge of the circuit court, or a judge designated by the presiding judge, who shall select twelve persons to serve as grand jurors. Alternate grand jurors as determined by the judge shall also be selected, to serve as a grand juror upon the death, disqualification, or inability of one of the persons selected as a regular grand juror. The names of those persons selected as grand jurors and alternate grand jurors shall be deleted from the grand jury list.

5. The presiding judge of the circuit court, or a judge designated by the presiding judge, shall have the authority to convene, recess, and adjourn a grand jury as, in his discretion, he deems necessary, and at times and places as he specifies. No grand jury shall be required to serve for longer than a six-month period, except such term may be extended for a period not to exceed sixty days, solely for the purpose of considering and completing matters already before the grand jury. No new matters shall be presented to the grand jury during its extended service. Nothing contained in this section prevents the convening of another grand jury during such extended service.

6. Compensation shall be allowed grand jurors in the same amount as is provided by law for petit jurors pursuant to section 494.455, RSMo.

**577.051. MISSOURI UNIFORM LAW ENFORCEMENT SYSTEM RECORDS, INFORMATION ENTERED BY HIGHWAY PATROL, WHEN, MADE AVAILABLE, TO WHOM — FAILURE TO FURNISH RECORDS TO PATROL, PENALTY — FORMS AND PROCEDURE FOR FILING RECORDS. —**

1. A record of the [final] disposition in any court proceeding involving a violation of any of the provisions of sections 577.005 to 577.023, or violation of county or municipal ordinances involving alcohol- or drug-related driving offenses[, pleas of guilty, findings of guilty, suspended imposition of sentence, suspended execution of sentence, probation, conditional sentences and sentences of confinement] shall be forwarded to the Missouri state highway patrol, or at the

written direction of the Missouri state highway patrol, to the department of revenue, within fifteen days by the clerk of the court in which the proceeding was held and shall be entered by the highway patrol or department of revenue in the Missouri uniform law enforcement system records. **Dispositions that shall be reported are pleas of guilty, findings of guilty, suspended imposition of sentence, suspended execution of sentence, probation, conditional sentences, sentences of confinement, and any other such dispositions that may be required under state or federal regulations.** The record forwarded by the clerk shall clearly show the court, the court case number, the name, address, and motor vehicle operator's or chauffeur's license number of the person who is the subject of the proceeding, the code or number identifying the particular arrest, and any court action or requirements pertaining thereto.

2. All records received by the Missouri state highway patrol or the department of revenue under the provisions of this section shall be entered in the Missouri uniform law enforcement system records and maintained by the Missouri state highway patrol. Records placed in the Missouri uniform law enforcement system under the provisions of this section shall be made available to any law enforcement officer in this state, any prosecuting or circuit attorney in this state, or to any judge of a municipal or state court upon request.

3. Any person required by this section to furnish records to the Missouri state highway patrol or department of revenue who willfully refuses to furnish such records shall be guilty of a class C misdemeanor.

4. Records required to be filed with the Missouri state highway patrol or the department of revenue under the provisions of sections 302.225, RSMo, and 577.001 to 577.051 shall be filed beginning July 1, 1983, and no penalties for nonfiling of records shall be applied prior to July 1, 1983.

5. Forms and procedures for filing of records with the Missouri state highway patrol or department of revenue as required in this chapter shall be promulgated by the director of the department of public safety or department of revenue, as applicable, and approved by the Missouri supreme court.

6. All record-keeping procedures required under the provisions of sections 577.005 to 577.023 shall be in accordance with this section, chapter 610, RSMo, to the contrary notwithstanding.

**[67.133. COURT COSTS IN CIVIL AND NONFELONY CRIMINAL CASES, EXCEPTIONS — COLLECTION AND DEPOSIT PROCEDURE — DISTRIBUTION — COUNTY ENTITLED TO JUDGMENT, WHEN. — 1.** A fee of ten dollars shall be assessed in all cases in which the defendant is convicted of a nonfelony violation of any provision of chapters 252, 301, 302, 304, 306, 307 and 390, RSMo, and any infraction otherwise provided by law, twenty-five dollars in all misdemeanor cases otherwise provided by law, and seventy-five dollars in all felony cases, in criminal cases including violations of any county ordinance or any violation of a criminal or traffic law of the state, except that no such fees shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. All fees collected under the provisions of this section shall be collected and disbursed in the manner provided by sections 488.010 to 488.020, RSMo, and payable to the county treasurer who shall deposit those funds in the county treasury.

2. Counties shall be entitled to a judgment in the amount of twenty-five percent of all sums collected on recognizances given to the state in criminal cases, which are or may become forfeited, if not more than five hundred dollars, and fifteen percent of all sums over five hundred dollars, to be paid out of the amount collected.]

**[540.011. GRAND JURY LIST. — 1.** Upon order of the presiding judge of the circuit court, the board of jury commissioners created pursuant to section 494.405, RSMo, shall compile a list of prospective grand jurors containing at least six hundred names or fifteen percent of the number of names comprising the master jury list, whichever is less. The names shall be selected

at random from the master jury list, compiled pursuant to section 494.410, RSMo, in a method specified by the board of jury commissioners. The list so compiled shall be known as the grand jury list.

2. All names placed on the grand jury list shall be deleted from the master jury list. The board of jury commissioners may remove names from the grand jury list if a person is not qualified or eligible to serve as a grand juror or may add names to the grand jury list as necessary, as provided for in subsection 1 of this section.]

Approved July 11, 2003

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## HB 640 [HCS HB 640]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### **Establishes Emancipation Day as a state holiday.**

AN ACT to amend chapter 9, RSMo, by adding thereto one new section relating to Emancipation Day.

#### SECTION

A. Enacting clause.

9.161. Emancipation Day established.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 9, RSMo, is amended by adding thereto one new section, to be known as section 9.161, to read as follows:

**9.161. EMANCIPATION DAY ESTABLISHED. — 1. June nineteenth, known as Juneteenth, of each year shall be known and is designated as "Emancipation Day" to provide an opportunity for the people of Missouri to reflect upon the United States of America's passion for freedom as exemplified in the Constitution of the United States, the Bill of Rights, and the Emancipation Proclamation, and to reflect upon the significance and particularity of the Emancipation Proclamation and its role in ending slavery in the United States. To celebrate that Juneteenth commemorates the spirit and quest of African-American freedom emphasizing education, art, and intellectual achievement, through reflection, rejoicing, and manifestation of a more substantive economic and just citizenry, the people of the state, offices of government, and all educational, commercial, political, civic, religious, and fraternal organizations in the state are requested to devote some part of the day to remember the proclamation that began the full realization for all people in the United States of the self-evident truth, as stated in the Declaration of Independence of the United States, that all men are created equal, by:**

(1) Celebrating the abolishment of slavery, accomplished by ratification of the thirteenth amendment to the Constitution of the United States, as the former slaves celebrated on June 19, 1865, upon learning the message of freedom from Major General Gordon Granger of the Union Army in Galveston, Texas, which celebration, known as "Juneteenth", is the oldest known celebration of the ending of slavery; and

(2) Reaffirming their commitment to achieving equal justice and opportunity for all citizens.

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**2. There is hereby established the "Missouri Juneteenth Heritage and Jazz Festival and Memorial". Any funds appropriated by the general assembly for this event shall be used to establish a state-wide festival and monument to commemorate the struggles and hardships endured by those who had been enslaved.**

Approved July 10, 2003

HB 655 [HB 655]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Revises certain special education services.**

AN ACT to repeal sections 162.680 and 162.962, RSMo, and to enact in lieu thereof two new sections relating to special education services.

SECTION

- A. Enacting clause.
- 162.680. Disabled children to be educated with others whenever possible.
- 162.962. Decision subject to review, when, procedure.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 162.680 and 162.962, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 162.680 and 162.962, to read as follows:

**162.680. DISABLED CHILDREN TO BE EDUCATED WITH OTHERS WHENEVER POSSIBLE.**  
— 1. No child may be denied services provided by sections 162.670 to [162.995] **162.999** because of such child's disabling condition.

2. To the maximum extent appropriate, disabled and severely disabled children shall be educated along with children who do not have disabilities and shall attend regular classes, except that in the case of a disability resulting in violent behavior which causes a substantial likelihood of injury to the student or others, the school district shall initiate procedures consistent with state and federal law to remove the child to a more appropriate placement. [Impediments to learning and to the normal functioning of such children in the regular school environment shall be overcome whenever practicable by the provision of special aids and services rather than by separate schooling for the disabled.] **Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment shall occur only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.**

**162.962. DECISION SUBJECT TO REVIEW, WHEN, PROCEDURE.** — In a case where review of the hearing panel's decision is sought by a school district or a parent or guardian, either party may appeal as follows:

- (1) The court shall hear the case without a jury [and except as otherwise provided in subsection 4 of section 536.140, RSMo, shall hear it upon the petition and record filed as provided in sections 162.950 to 162.961];
- (2) The inquiry may extend to a determination of whether the action of the agency:
  - (a) Is in violation of constitutional provisions;

- (b) Is unsupported by competent and substantial evidence upon the entire record;
- (c) Is made upon unlawful procedure or without a fair trial;
- (d) Is arbitrary, capricious, or unreasonable; or
- (e) Involves an abuse of discretion.] **and shall:**
  - (a) **Receive the records of the administrative proceedings;**
  - (b) **Hear additional evidence at the request of a party; and**
  - (c) **Grant the relief that the court determines to be appropriate, basing its decision on the preponderance of the evidence;**
  - (2) **Appeals may be taken from the judgment of the court as in other civil cases;**
  - (3) **Judicial review of the hearing panel's decision may be instituted by filing a petition in a state or federal court of competent jurisdiction. Appeals to state court shall be filed within forty-five days after the receipt of the notice of the agency's final decision;**
  - (4) **Except when provided otherwise within this chapter or Part 300 of Title 34 of the Code of Federal Regulations, the provisions of chapter 536, RSMo, are applicable to special education due process hearings and appeal of same.**

Approved June 26, 2003

#### HB 668 [CCS SS SCS HS HB 668]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

#### **Enacts various accountability measures for the operation of the Department of Transportation.**

AN ACT to repeal sections 21.795, 226.030, 238.207, 238.210, 238.215, 238.220, 238.222, 238.235, 238.236 and 523.050, RSMo, and to enact in lieu thereof twelve new sections relating to transportation accountability measures.

#### SECTION

- A. Enacting clause.
- 21.795. Joint committee on transportation oversight, members, quorum — transportation inspector general, appointment, duties — report, when, contents — meetings, examination of reports, records required to be submitted.
- 226.030. Number of members — qualifications — term — removal — compensation.
- 226.033. Prohibited acts by certain commissioners.
- 226.096. Certain controversies or claims to be settled by arbitration — rulemaking authority.
- 238.207. Creation of district, procedures — district to be contiguous, size requirements — petition, contents — alternative method.
- 238.210. Hearing, how conducted — opposition to district, how filed — appeals, how.
- 238.215. Election, when — ballot, form of — results.
- 238.220. Directors, election of, how, qualifications — advisors, appointed when, duties.
- 238.222. Powers of board, generally — officers, meetings, expenses — quorum.
- 238.235. Sales tax, certain districts, exemptions from tax — election, ballot form — procedures for collection, distribution, use — repeal of tax.
- 238.236. Sales tax for transportation development district on all retail sales authorized — ballot form, content — rate of tax collection — fund created, lapse to general revenue prohibited — distribution — procedure to repeal tax.
- 523.050. Commissioners' report — notice of filing — review.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 21.795, 226.030, 238.207, 238.210, 238.215, 238.220, 238.222, 238.235, 238.236, and 523.050, RSMo, are repealed and twelve new sections

enacted in lieu thereof, to be known as sections 21.795, 226.030, 226.033, 226.096, 238.207, 238.210, 238.215, 238.220, 238.222, 238.235, 238.236, and 523.050, to read as follows:

**21.795. JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT, MEMBERS, QUORUM — TRANSPORTATION INSPECTOR GENERAL, APPOINTMENT, DUTIES — REPORT, WHEN, CONTENTS — MEETINGS, EXAMINATION OF REPORTS, RECORDS REQUIRED TO BE SUBMITTED.** — 1. There is established a permanent joint committee of the general assembly to be known as the "Joint Committee on Transportation Oversight" to be composed of seven members of the standing transportation committees of both the senate and the house of representatives and three nonvoting ex officio members. **Of the fourteen members to be appointed to the joint committee, the seven senate members of the joint committee shall be appointed by the president pro tem of the senate and minority leader of the senate and the seven house members shall be appointed by the speaker of the house of representatives and the minority floor leader of the house of representatives.** No major party shall be represented by more than four members from the house of representatives nor more than four members from the senate. The ex officio members shall be the state auditor, the director of the oversight division of the committee on legislative research, and the commissioner of the office of administration or the designee of such auditor, director or commissioner. The joint committee shall be chaired jointly by both chairs of the senate and house transportation committees. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members, other than the ex officio members, shall be required for the determination of any matter within the committee's duties.

2. **The transportation inspector general shall be appointed by majority vote of a group consisting of the speaker of the house of representatives, the minority floor leader of the house of representatives, the president pro tempore of the senate, and the minority floor leader of the senate. It shall be the duty of the inspector general to serve as the executive director of the joint committee on transportation oversight. The compensation of the inspector general and other personnel shall be paid from the joint contingent fund or jointly from the senate and house contingent funds until an appropriation is made therefor. No funds from highway user fees or other funds allocated for the operation of the department of transportation shall be used for the compensation of the inspector general and his or her staff. The joint committee inspector general initially appointed pursuant to this section shall take office January 1, 2004, for a term ending June 30, 2005. Subsequent joint committee on transportation oversight directors shall be appointed for five year terms, beginning July 1, 2005. Any joint committee on transportation oversight inspector general whose term is expiring shall be eligible for reappointment. The inspector general of the joint committee on transportation oversight shall:**

(1) **Be qualified by training or experience in transportation policy, management of transportation organizations, accounting, auditing, financial analysis, law, management analysis, or public administration;**

(2) **Report to and be under the general supervision of the joint committee. The joint committee on transportation oversight shall by a majority vote, direct the inspector general to perform specific investigations, reviews, audits, or other studies of the state department of transportation, in which instance the director shall report the findings and recommendations directly to the joint committee on transportation oversight. All investigations, reviews, audits, or other studies performed by the director shall be conducted so that the general assembly can procure information to assist it in formulating transportation legislation and policy for this state;**

(3) **Receive and process citizen complaints relating to transportation issues. The inspector general shall, when necessary, submit a written complaint report to the joint committee on transportation oversight and the highways and transportation commission. The complaint report shall contain the date, time, nature of the complaint, and any**

immediate facts and circumstances surrounding the initial report of the complaint. The inspector general shall investigate a citizen complaint if he or she is directed to do so by a majority of the joint committee on transportation oversight;

(4) Investigate complaints from current and former employees of the department of transportation if the inspector general receives information from an employee which shows:

- (a) The department is violating a law, rule, or regulation;
- (b) Gross mismanagement by department officers;
- (c) Waste of funds by the department;
- (d) That the department is engaging in activities which pose a danger to public health and safety;

(5) Maintain confidentiality with respect to all matters and the identities of the complainants or witnesses coming before the inspector general except insofar as disclosures may be necessary to enable the inspector general to carry out duties and to support recommendations;

(6) Maintain records of all investigations conducted, including any record or document or thing, any summary, writing, complaint, data of any kind, tape or video recordings, electronic transmissions, e-mail, or other paper or electronic documents, records, reports, digital recordings, photographs, software programs and software, expense accounts, phone logs, diaries, travel logs, or other things, including originals or copies of any of the above. Records of investigations by the inspector general shall be an "investigative report" of law enforcement agency pursuant to the provisions of section 610.100, RSMo. As provided in such section, such records shall be a closed record until the investigation becomes inactive. If the inspector general refers a violation of law to the appropriate prosecuting attorney or the attorney general, such records shall be transmitted with the referral. If the inspector general finds no violation of law or determines not to refer the subject of the investigation to the appropriate prosecuting attorney or the attorney general regarding matters referred to the appropriate prosecuting attorney or the attorney general and the statute of limitations expires without any action being filed, the record shall remain closed. As provided in section 610.100, RSMo, any person may bring an action pursuant to this section in the circuit court having jurisdiction to authorize disclosure of information in the records of the inspector general which would otherwise be closed pursuant to this section. Any disclosure of records by the inspector general in violation of this section shall be grounds for a suit brought by any individual, person, or corporation to recover damages, and upon award to the plaintiff reasonable attorney's fees.

[2.] **3.** The department of transportation shall submit a written report prior to November tenth of each year to the governor, **lieutenant governor**, and every member of the senate and house of representatives [which]. **The report shall be posted to the department's Internet website so that general assembly members may elect to access a copy of the report electronically. The written report shall contain the following:**

(1) A comprehensive financial report of all funds for the preceding state fiscal year which shall include a report by independent certified public accountants, selected by the commissioner of the office of administration, attesting that the financial statements present fairly the financial position of the department in conformity with generally accepted government accounting principles. This report shall include amounts of:

(a) State revenues by sources, **including all new state revenue derived from highway users which results from action of the general assembly or voter-approved measures taken after August 28, 2003, and projects funded in whole or in part from such new state revenue, and** amounts of federal revenues by source;

(b) Any other revenues available to the department by source;

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(c) Funds appropriated, the amount the department has budgeted and expended for the following: contracts, right-of-way purchases, preliminary and construction engineering, maintenance operations and administration;

(d) Total state and federal revenue compared to the revenue estimate in the fifteen-year highway plan as adopted in 1992.

All expenditures made by, or on behalf of, the department for personal services including fringe benefits, all categories of expense and equipment, real estate and capital improvements shall be assigned to the categories listed in this subdivision in conformity with generally accepted government accounting principles;

(2) A detailed explanation of the methods or criteria employed to select construction projects, including a listing of any new or reprioritized projects not mentioned in a previous report, and an explanation as to how the new or reprioritized projects meet the selection methods or criteria;

(3) The proposed allocation and expenditure of moneys and the proposed work plan for the current fiscal year, at least the next four years, and for any period of time expressed in any public transportation plan approved by either the general assembly or by the voters of Missouri. This proposed allocation and expenditure of moneys shall include the amounts of proposed allocation and expenditure of moneys in each of the categories listed in subdivision (1) of this subsection;

(4) The amounts which were planned, estimated and expended for projects in the state highway and bridge construction program or any other projects relating to other modes of transportation in the preceding state fiscal year and amounts which have been planned, estimated or expended by project for construction work in progress;

(5) The current status as to completion, by project, of the fifteen-year road and bridge program adopted in 1992. The first written report submitted pursuant to this section shall include the original cost estimate, updated estimate and final completed cost by project. Each written report submitted thereafter shall include the cost estimate at the time the project was placed on the most recent five-year highway and bridge construction plan and the final completed cost by project;

(6) The reasons for cost increases or decreases exceeding five million dollars or ten percent relative to cost estimates and final completed costs for projects in the state highway and bridge construction program or any other projects relating to other modes of transportation completed in the preceding state fiscal year. Cost increases or decreases shall be determined by comparing the cost estimate at the time the project was placed on the most recent five-year highway and bridge construction plan and the final completed cost by project. The reasons shall include the amounts resulting from inflation, department-wide design changes, changes in project scope, federal mandates, or other factors;

(7) Specific recommendations for any statutory or regulatory changes necessary for the efficient and effective operation of the department;

(8) An accounting of the total amount of state, federal and earmarked federal highway funds expended in each district of the department of transportation; and

(9) Any further information specifically requested by the joint committee on transportation oversight.

[3.] **4.** Prior to December first of each year, the committee shall [meet] **hold an annual meeting** and call before its members, officials or employees of the state highways and transportation commission or department of transportation, as determined by the committee, for the sole purpose of receiving and examining the report required pursuant to subsection [2] **3** of this section. **The joint committee may also call before its members at the annual meeting, the inspector general of the joint committee on transportation oversight for purposes authorized in this section.** The committee shall not have the power to modify projects or priorities of the state highways and transportation commission or department of transportation. The committee may make recommendations to the state highways and transportation

commission or the department of transportation. Disposition of those recommendations shall be reported by the commission or the department to the joint committee on transportation oversight.

**5. In addition to the annual meeting required by subsection 4 of this section, the committee shall meet two times each year. The co-chairs of the committee shall establish an agenda for each meeting that may include, but not be limited to, the following items to be discussed with the committee members throughout the year during the scheduled meeting:**

- (1) Presentation of a prioritized plan for all modes of transportation;**
- (2) Discussion of department efficiencies and expenditure of cost-savings within the department;**
- (3) Presentation of a status report on department of transportation revenues and expenditures, including a detailed summary of projects funded by new state revenue as provided in paragraph (a) of subdivision (1) of subsection 3 of this section;**
- (4) Review of any report from the joint committee inspector general; and**
- (5) Implementation of any actions as may be deemed necessary by the committee as authorized by law.**

**The co-chairs of the committee may call special meetings of the committee with ten days' notice to the members of the committee, the director of the department of transportation, and the department of transportation.**

[4.] **6.** The committee shall submit records of its meetings to the secretary of the senate and the chief clerk of the house of representatives in accordance with sections 610.020 and 610.023, RSMo.

**226.030. NUMBER OF MEMBERS — QUALIFICATIONS — TERM — REMOVAL — COMPENSATION. — 1.** The state highways and transportation commission shall consist of six members, who shall be appointed by the governor, by and with the advice and consent of the senate, not more than three thereof to be members of the same political party. Each commissioner shall be a taxpayer and resident of state for at least five years prior to his appointment. Any commissioner may be removed by the governor if fully satisfied of his inefficiency, neglect of duty, or misconduct in office. [All commissioners appointed prior to October 13, 1965, shall serve the term for which they were appointed.] Commissioners appointed pursuant to this section shall be appointed for terms of six years. Upon the expiration of each of the foregoing terms of these commissioners a successor shall be appointed for a term of six years or until his successor is appointed and qualified which term of six years shall thereafter be the length of term of each member of the commission unless removed as above provided. The members of the commission shall receive as compensation for their services twenty-five dollars per day for the time spent in the performance of their official duties, and also their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties. **Members whose terms otherwise expire December 1, 2003, shall serve with terms expiring March 1, 2004, and new members or the members reappointed shall be appointed for terms expiring March 1, 2005; a member whose term otherwise expires December 1, 2005, shall serve with a term expiring March 1, 2007; a member whose term otherwise expires December 1, 2007, shall serve with a term expiring March 1, 2009; and one member whose term otherwise expires October 13, 2007, shall serve with a term expiring March 1, 2007; and one member whose term otherwise expires October 13, 2007, shall serve with a term expiring March 1, 2009. If a vacancy occurs in any term of a commissioner due to death, resignation, or removal, a successor shall be appointed for only the remainder of the unexpired term.**

**2.** Beginning August 28, 2003, when two members of the state highways and transportation commission are within two years of expiration of their terms, the commission shall appoint one of those two members as chair of the commission and the other as vice chair, each to serve in such position for one year. At the end of such year,

the member currently serving as chair shall then serve as vice chair, and the member currently serving as vice chair shall serve as chair, each to serve in such position for one year.

3. No more than one-half of the members of the state highways and transportation commission shall be of the same political party. The selection and removal of all employees of the department of highways and transportation shall be without regard to political affiliation.

4. The present members of the state highways and transportation commission shall serve as members of the state highways and transportation commission for the remainder of the terms for which they were appointed, except as provided in subsection 1 of this section.

5. The director of the department of transportation shall, by February fifteenth of each year, present an annual state of the state of transportation to a joint session of the general assembly. The six members of the state highways and transportation commission shall be present and available at such presentations for questions by members. The transportation inspector general may also be present and report to the general assembly on any matter of concern within his or her statutory authority. The provisions of this subsection shall expire August 28, 2008.

**226.033. PROHIBITED ACTS BY CERTAIN COMMISSIONERS.** — Any commissioner appointed or reappointed after March 1, 2004, shall not:

(1) Host or manage a political fund-raiser or solicit funds for any candidate who is seeking a statewide or nationally elected office;

(2) Serve on the board or chair any political action committee, political party committee, or continuing committee.

**226.096. CERTAIN CONTROVERSIES OR CLAIMS TO BE SETTLED BY ARBITRATION — RULEMAKING AUTHORITY.** — 1. This section shall govern any controversy or claim to which the Missouri department of transportation is a party that arises out of or relates to a contract awarded pursuant to subdivision (9) of subsection 1 of section 226.130, and the claim exceeds twenty-five thousand dollars, but is less than three hundred twenty-seven thousand dollars as adjusted on an annual basis effective January first of each year in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as calculated pursuant to subsection 5 of section 537.610, RSMo. Provided a claim has been filed pursuant to the procedures set forth in the Missouri standard specifications for highway construction, or its successor, upon issuance of a final decision as provided in such standards or upon expiration of ninety days from the date the claim was filed, the controversy or claim shall upon written demand by any party to the contract, be settled by arbitration administered by the American Arbitration Association under its Construction Industry Arbitration Rules, except as provided herein. The highway and transportation commission shall promulgate rules pursuant to chapter 536, RSMo, to become effective on or before July 1, 2004, establishing a method for appointment of arbitrators and allowing for the mediation of claims upon agreement of both parties. Judgment upon awards rendered under arbitration shall be entered in the circuit court of Cole County, Missouri.

2. Any contract specification, special provision, contract clause, or rule pertaining to contracts governed by this section, which purports to waive, release or extinguish the rights of a contractor to file a claim, or which purports to bind any court of competent jurisdiction or alternate dispute resolution process to any determinations of fact rendered by the Missouri department of transportation or its employees and agents so as to prevent any such court or alternate dispute resolution process from fully considering the merits

of any controversy or claim governed by this section, is against public policy and shall be void and unenforceable.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

**238.207. CREATION OF DISTRICT, PROCEDURES — DISTRICT TO BE CONTIGUOUS, SIZE REQUIREMENTS — PETITION, CONTENTS — ALTERNATIVE METHOD. —** 1. Whenever the creation of a district is desired, not less than fifty registered voters from each county partially or totally within the proposed district may file a petition requesting the creation of a district. However, if no persons eligible to be registered voters reside within the district, the owners of record of all of the real property, except public streets, located within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of any county partially or totally within the proposed district.

2. Alternatively, the governing body of any local transportation authority within any county in which a proposed project may be located may file a petition in the circuit court of that county, requesting the creation of a district.

3. The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties[.]; **provided:**

(1) Property separated only by public streets, **easements or rights-of-way** shall be considered contiguous;

(2) **In the case of a district formed pursuant to a petition filed by the owners of record of all of the real property located within the proposed district, the proposed district area need not contain contiguous properties if:**

(a) **The petition provides that the only funding method for project costs will be a sales tax;**

(b) **The court finds that all of the real property located within the proposed district will benefit by the projects to be undertaken by the district; and**

(c) **Each parcel within the district is within five miles of every other parcel; and**

(3) **In the case of a district created pursuant to subsection 5 of this section, property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.**

4. The petition shall set forth:

(1) The name, voting residence and county of residence of each individual petitioner, or, if no persons eligible to be registered voters reside within the proposed district, the name and address of each owner of record of real property located within the proposed district, or shall recite that the petitioner is the governing body of a local transportation authority acting in its official capacity;

(2) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

(3) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(4) A general description of each project proposed to be undertaken by that district, including a description of the approximate location of each project;

(5) The name of the proposed district;

(6) The number of members of the board of directors of the proposed district, which shall be not less than five or more than fifteen;

(7) A statement that the terms of office of initial board members shall be staggered in approximately equal numbers to expire in one, two or three years;

(8) If the petition was filed by registered voters or by a governing body, a request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop a specified project or projects;

(9) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the funding proposal be submitted to the qualified voters residing within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; and

(10) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable.

**5. (1) As an alternative to the methods described in subsections 1 and 2 of this section, if two or more local transportation authorities have adopted resolutions calling for the joint establishment of a district, the governing body of any one such local transportation authority may file a petition in the circuit court of any county in which the proposed project is located requesting the creation of a district.**

**(2) The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties. Property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.**

**(3) The petition shall set forth:**

**(a) That the petitioner is the governing body of a local transportation authority acting in its official capacity;**

**(b) The name of each local transportation authority within the proposed district. The resolution of the governing body of each local transportation authority calling for the joint establishment of the district shall be attached to the petition;**

**(c) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;**

**(d) A specific description of the proposed district boundaries including a map illustrating such boundaries;**

**(e) A general description of each project proposed to be undertaken by the district, including a description of the approximate location of each project;**

**(f) The name of the proposed district;**

**(g) The number of members of the board of directors of the proposed district;**

**(h) A request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop the projects described in the petition;**

**(i) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the imposition of the funding proposal be submitted to the qualified voters residing within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; and**

**(j) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable.**

**238.210. HEARING, HOW CONDUCTED — OPPOSITION TO DISTRICT, HOW FILED — APPEALS, HOW. — 1. Within thirty days after the petition is filed, the circuit court clerk shall serve a copy of the petition on the respondents who shall have thirty days after receipt of service**

to file an answer stating agreement with or opposition to the creation of the district. If any respondent files its answer opposing the creation of the district, it shall recite legal reasons why the petition is defective, why the proposed district is illegal or unconstitutional, or why the proposed method for funding the district is illegal or unconstitutional. The respondent shall ask the court for a declaratory judgment respecting these issues. The answer of each respondent shall be served on each petitioner and every other respondent named in the petition. Any resident, taxpayer, any other entity, or any local transportation authority within the proposed district may join in or file a petition supporting or answer opposing the creation of the district and seeking a declaratory judgment respecting these same issues within thirty days after the date notice is last published by the circuit clerk.

2. The court shall hear the case without a jury. If the court shall thereafter determine the petition is defective or the proposed district is illegal or unconstitutional, or shall be an undue burden on any owner of property within the district or is unjust and unreasonable, it shall enter its declaratory judgment to that effect and shall refuse to make the certifications requested in the pleadings. If the court determines that any proposed funding method is illegal or unconstitutional, it shall enter its judgment striking that funding method in whole or part. If the court determines the petition is not legally defective and the proposed district and method of funding are neither illegal nor unconstitutional, the court shall enter its judgment to that effect. If the petition was filed by registered voters or by a governing body, the court shall then certify the questions regarding district creation, project development, and proposed funding for voter approval. **If the petition was filed by a governing body pursuant to subsection 5 of section 238.207, RSMo, the court shall then certify the single question regarding district creation, project development, and proposed funding for voter approval.** If the petition was filed by the owners of record of all of the real property located within the proposed district, the court shall declare the district organized and certify the funding methods stated in the petition for qualified voter approval; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230. In either case, if no objections to the petition are timely filed, the court may make such certifications based upon the pleadings before it without any hearing.

3. Any party having filed an answer or petition may appeal the circuit court's order or declaratory judgment in the same manner provided for other appeals.

**238.215. ELECTION, WHEN — BALLOT, FORM OF — RESULTS.** — 1. If the circuit court certifies the petition for voter approval, it shall call an election pursuant to section 238.216.

2. At such election for voter approval of the qualified voters, the questions shall be submitted in substantially the following form:

Shall there be organized in (here specifically describe the proposed district boundaries), within the state of Missouri, a transportation development district, to be known as the "..... Transportation Development District" for the purpose of developing the following transportation project: (here summarize the proposed project or projects and require each voter to approve or disapprove of each project) and have the power to fund the proposed project upon separate voter approval by any or all of the following methods: (here specifically describe the proposed funding methods and require each voter to approve or disapprove of each proposed funding method)?

3. (1) **If the petition was filed pursuant to subsection 5 of section 238.207 and the district desires to impose a sales tax as the only proposed funding mechanism, at such election for voter approval of the qualified voters, the question shall be submitted in substantially the following form:**

Shall there be organized in (here specifically describe the proposed district boundaries), within the state of Missouri, a transportation development district, to be known as the "..... Transportation Development District" for the purpose of developing the following transportation project: (here summarize the proposed project or projects)

and be authorized to impose a transportation development district-wide sales tax at the rate of .....(insert amount) for a period of .....(insert number) years from the date on which such tax is first imposed for the purpose of funding the transportation project or projects?

(2) If the petition was filed pursuant to subsection 5 of section 238.207 and the district desires to impose a funding mechanism other than a sales tax, at such election for voter approval of the qualified voters, the question shall be submitted in substantially the form set forth in subsection 2 of this section and the proposed funding mechanism shall require separate voter approval at a subsequent election.

[3.] 4. The results of the election shall be entered upon the records of the circuit court of the county in which the petition was filed. Also, a certified copy thereof shall be filed with the county clerk of each county in which a portion of the proposed district lies, who shall cause the same to be spread upon the records of the county commission. If the results show that a majority of the votes cast by the qualified voters were in favor of organizing the transportation development district, the circuit court having jurisdiction of the matter shall declare the district organized and certify the funding methods approved by the qualified voters. If the results show that less than a majority of the votes cast by the qualified voters were in favor of the organization of the district, the circuit court shall declare that the question has failed to pass, and the same question shall not be again submitted for voter approval for two years.

5. Notwithstanding the foregoing, if the election was held pursuant to subsection 3 of this section, the results of the election shall be entered upon the records of the circuit court of the county in which the petition was filed. Also, a certified copy thereof shall be filed with the county clerk of each county in which a portion of the proposed district lies. If the results show that a majority of the votes cast by the qualified voters were in favor of the proposition, the circuit court having jurisdiction of the matter shall declare the district organized and the funding methods approved by the qualified voters to be in effect. If the results show that less than a majority of the votes cast by the qualified voters were in favor of the proposition, the circuit court shall declare that the question has failed to pass. A new petition shall be filed pursuant to subsection 5 of section 238.207 prior to the question being again submitted for voter approval.

**238.220. DIRECTORS, ELECTION OF, HOW, QUALIFICATIONS — ADVISORS, APPOINTED WHEN, DUTIES.** — 1. Notwithstanding anything to the contrary contained in section 238.216, if any persons eligible to be registered voters reside within the district the following procedures shall be followed:

(1) After the district has been declared organized, the court shall upon petition of any interested person order the county clerk to cause an election to be held in all areas of the district within one hundred twenty days after the order establishing the district, to elect the district board of directors which shall be not less than five nor more than fifteen;

(2) Candidates shall pay the sum of five dollars as a filing fee to the county clerk and shall file with the election authority of such county a statement under oath that he or she possesses all of the qualifications set out in this section for a director. Thereafter, such candidate shall have his or her name placed on the ballot as a candidate for director;

(3) The director or directors to be elected shall be elected at large. The candidate receiving the most votes from qualified voters shall be elected to the position having the longest term, the second highest total votes elected to the position having the next longest term, and so forth. Each initial director shall serve the one-, two- or three-year term to which he or she was elected, and until a successor is duly elected and qualified. Each successor director shall serve a three-year term. The directors shall nominate and elect an interim director to complete any unexpired term of a director caused by resignation or disqualification; and

(4) Each director shall be a resident of the district. Directors shall be registered voters at least twenty-one years of age.

2. Notwithstanding anything to the contrary contained in section 238.216, if no persons eligible to be registered voters reside within the district, the following procedures shall apply:

(1) Within thirty days after the district has been declared organized, the circuit clerk of the county in which the petition was filed shall, upon giving notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, call a meeting of the owners of real property within the district at a day and hour specified in a public place in the county in which the petition was filed for the purpose of electing a board of not less than five and not more than fifteen directors, to be composed of owners or representatives of owners of real property in the district; provided that, if all the owners of property in the district joined in the petition for formation of the district, such meeting may be called by order of the court without further publication;

(2) The property owners, when assembled, shall organize by the election of a chairman and secretary of the meeting who shall conduct the election. At the election, each acre of real property within the district shall represent one share, and each owner may have one vote in person or by proxy for every acre of real property owned by such person within the district;

(3) The one-third of the initial board members receiving the most votes shall be elected to positions having a term of three years. The one-third of initial board members receiving the next highest number of votes shall be elected to positions having a term of two years. The lowest one-third of initial board members receiving sufficient votes shall be elected to positions having a term of one year. Each initial director shall serve the term to which he or she was elected, and until a successor is duly elected and qualified. Successor directors shall be elected in the same manner as the initial directors at a meeting of the real property owners called by the board. Each successor director shall serve a three-year term. The directors shall nominate and elect an interim director to complete any unexpired term of a director caused by resignation or disqualification;

(4) Directors shall be at least twenty-one years of age.

**3. Notwithstanding any provision of sections 238.216 and 238.220 to the contrary, if the petition for formation of the district was filed pursuant to subsection 5 of section 238.207, the following procedures shall be followed:**

(1) If the district is comprised of four or more local transportation authorities, the board of directors shall consist of the presiding officer of each local transportation authority within the district. If the district is comprised of two or three local transportation authorities, the board of directors shall consist of the presiding officer of each local transportation authority within the district and one person designated by the governing body of each local transportation authority within the district;

(2) Each director shall be at least twenty-one years of age and a resident or property owner of the local transportation authority the director represents. A director designated by the governing body of a local transportation authority may be removed by such governing body at any time with or without cause; and

(3) Upon the assumption of office of a new presiding officer of a local transportation authority, such individual shall automatically succeed his predecessor as a member of the board of directors. Upon the removal, resignation or disqualification of a director designated by the governing body of a local transportation authority, such governing body shall designate a successor director.

[3.] 4. The commission shall appoint one or more advisors to the board, who shall have no vote but shall have the authority to participate in all board meetings and discussions, whether open or closed, and shall have access to all records of the district and its board of directors.

[4.] 5. If the proposed project is not intended to be merged into the state highways and transportation system under the commission's jurisdiction, the local transportation authority that will assume maintenance of the project shall appoint one or more advisors to the board of directors who shall have the same rights as advisors appointed by the commission.

6. Any county or counties located wholly or partially within the district which is not a "local transportation authority" pursuant to subdivision (4) of subsection 1 of section 238.202, may appoint one or more advisors to the board who shall have the same rights as advisors appointed by the commission.

**238.222. POWERS OF BOARD, GENERALLY — OFFICERS, MEETINGS, EXPENSES — QUORUM.** — 1. The board shall possess and exercise all of the district's legislative and executive powers.

2. Within thirty days after the election of the initial directors **or the selection of the initial directors pursuant to subsection 3 of section 238.220**, the board shall meet. The time and place of the first meeting of the board shall be designated by the court that heard the petition upon the court's own initiative or upon the petition of any interested person. At its first meeting and after each election of new board members **or the selection of the initial directors pursuant to subsection 3 of section 238.220** the board shall elect a chairman from its members.

3. The board shall appoint an executive director, district secretary, treasurer and such other officers or employees as it deems necessary.

4. At the first meeting, the board, by resolution, shall define the first and subsequent fiscal years of the district, and shall adopt a corporate seal.

5. A simple majority of the board shall constitute a quorum. If a quorum exists, a majority of those voting shall have the authority to act in the name of the board, and approve any board resolution.

6. Each director shall devote such time to the duties of the office as the faithful discharge thereof may require and may be reimbursed for his actual expenditures in the performance of his duties on behalf of the district.

**238.235. SALES TAX, CERTAIN DISTRICTS, EXEMPTIONS FROM TAX — ELECTION, BALLOT FORM — PROCEDURES FOR COLLECTION, DISTRIBUTION, USE — REPEAL OF TAX.**

— 1. (1) Any transportation development district may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of service to telephone subscribers, either local or long distance. Such transportation development district sales tax may be imposed for any transportation development purpose designated by the transportation development district in its ballot of submission to its qualified voters, except that no resolution enacted pursuant to the authority granted by this section shall be effective unless:

(a) The board of directors of the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose [a] **or increase the levy of an existing** tax pursuant to the provisions of this section; **or**

(b) **The voters approved the question certified by the petition filed pursuant to subsection 5 of section 238.207.**

(2) **If the transportation district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of paragraph (a) of subdivision (1) of subsection 1 of this section**, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of ..... (transportation development district's name) impose a transportation development district-wide sales tax at the rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of ..... (insert transportation development purpose)?

☐ YES☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

(3) The sales tax authorized by this section shall become effective on the first day of the month following adoption of the tax by the qualified voters.

(4) In each transportation development district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the transportation development district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

(5) In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the transportation development district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285, RSMo.

(6) All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

(7) The sales tax may be imposed in increments of one-eighth of one percent, up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

2. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the transportation development district.

3. On and after the effective date of any tax imposed pursuant to this section, the transportation development district shall perform all functions incident to the administration, collection, enforcement, and operation of the tax. The tax imposed pursuant to this section shall

be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the transportation development district.

4. (1) All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax, sections 32.085 and 32.087, RSMo, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the transportation development district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

5. All sales taxes collected by the transportation development district shall be deposited by the transportation development district in a special fund to be expended for the purposes authorized in this section. The transportation development district shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public.

6. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects.

(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the qualified voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a

majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the ordinance or resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect.

**238.236. SALES TAX FOR TRANSPORTATION DEVELOPMENT DISTRICT ON ALL RETAIL SALES AUTHORIZED — BALLOT FORM, CONTENT — RATE OF TAX COLLECTION — FUND CREATED, LAPSE TO GENERAL REVENUE PROHIBITED — DISTRIBUTION — PROCEDURE TO REPEAL TAX.** — 1. This section shall not apply to any tax levied pursuant to section 238.235, and no tax shall be imposed pursuant to the provisions of this section if a tax has been imposed by a transportation development district pursuant to section 238.235.

2. In lieu of the taxes allowed pursuant to section 238.235, any transportation development district which consists of all of one or more entire counties, all of one or more entire cities, or all of one or more entire counties and one or more entire cities which are totally outside the boundaries of those counties may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, for any transportation development purpose designated by the transportation development district in its ballot of submission to its qualified voters. No resolution enacted pursuant to the authority granted by this section shall be effective unless:

(1) The board of directors of the transportation development district submits to the qualified voters of the transportation development district, at a state general, primary, or special election, a proposal to authorize the board of directors of the transportation development district to impose [a] or increase the levy of an existing tax pursuant to the provisions of this section; or

(2) The voters approved the question certified by the petition filed pursuant to subsection 5 of section 238.207.

3. If the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of subdivision (1) of subsection 2 of this section, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of .....(transportation development district's name) impose a transportation development district-wide sales tax at the rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of ..... (insert transportation development purpose)?

[ ] YES [ ] NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

4. Within ten days after the adoption of any resolution in favor of the adoption of a transportation development district sales tax **which has been approved** by the qualified voters of such transportation development district, the transportation development district shall forward to the director of revenue, by United States registered mail or certified mail, a certified copy of the resolution of its board of directors. The resolution shall reflect the effective date thereof. The sales tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of such tax.

5. All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to subsection 3 of this section or if the tax authorized by this section is repealed pursuant to subsection 12 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

6. The sales tax may be imposed at a rate of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, one-half of one percent or one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

7. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax. The amount reported and returned to the director of revenue by the seller shall be computed on the basis of the combined rate of the tax imposed by sections 144.010 to 144.525, RSMo, and the tax imposed by the [resolutions] **resolution** as authorized by this section, plus any amounts imposed pursuant to other provisions of law.

8. On and after the effective date of any tax imposed pursuant to this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized pursuant to this section. The tax imposed pursuant to this section and the taxes imposed pursuant to all other laws of the state of Missouri shall be collected together and reported upon such forms and pursuant to such administrative rules and regulations as may be prescribed by the director of revenue.

9. All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax, sections 32.085 and 32.087, RSMo, governing local sales taxes, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

10. All sales taxes collected by the director of revenue pursuant to this section on behalf of any transportation development district, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in the state treasury to the credit of the "Transportation Development District Sales Tax Fund", which is hereby created. Moneys in the transportation development district sales tax fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. All interest earned upon the balance in the transportation development district sales tax fund shall be deposited to the credit of the same fund. Any balance in the fund at the end of an appropriation period shall not be transferred to the general revenue fund and the provisions of section 33.080, RSMo, shall not apply to the fund. The director of revenue shall keep accurate records of the amount of money which was collected in each transportation development district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in such fund during the preceding month to the proper transportation development district.

11. The director of revenue may authorize the state treasurer to make refunds from the amounts credited to any transportation development district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such districts. If any transportation development district repeals the tax authorized by this section, the transportation development district shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal of the tax authorized by this section in such transportation development district, the director of revenue shall remit the balance in the account to the transportation development district and close the account of that transportation development district. The director of revenue shall notify each transportation development district of each instance of any amount refunded or any check redeemed from receipts due the transportation development district.

12. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects.

(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters of such transportation development district calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the [ordinance or] resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect.

**523.050. COMMISSIONERS' REPORT — NOTICE OF FILING — REVIEW.** — 1. Upon the filing of such report of said commissioners, the clerk of the court wherein the same is filed shall duly notify the party whose property is affected of the filing thereof; and the report of said commissioners may be reviewed by the court in which the proceedings are had, on written exceptions, filed by either party in the clerk's office, within ten days after the service of the notice aforesaid; and the court shall make such order therein as right and justice may require, and may order a new appraisalment, upon good cause shown.

2. Such new appraisalment shall, at the request of either party, be made by a jury, under the supervision of the court, as in ordinary cases of inquiry of damages; but notwithstanding such exceptions, such company may proceed to erect said telephone or telegraph line, or construct said road or railroad; and any subsequent proceedings shall only affect the amount of compensation to be allowed. In all cases arising under the provisions of this chapter, the report of commissioners, when signed by a majority of them, shall be taken and considered as the report of all.

**3. If after ninety days after the award is paid into court no agreement has been filed and no party having an interest in the award has filed a distribution motion, the court**

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shall determine the percentage of the award to which each party having an interest therein is entitled.

Approved July 11, 2003

## HB 688 [SCS HCS HB 688]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### **Creates the Life Sciences Trust Fund and the Life Sciences Board.**

AN ACT to amend chapter 196, RSMo, by adding thereto twelve new sections relating to the life sciences research trust fund.

#### SECTION

- A. Enacting clause.
- 196.1100. Life sciences research trust fund established, purpose — reversion to general revenue prohibited.
- 196.1103. Board for life science research established — appointment, terms, qualifications, expenses, appointment to life science committee not to disqualify for membership on board.
- 196.1106. Centers for life sciences research to be established, definition of centers — areas in which centers to be established — approval by board — screening committee appointed for each area — rules, powers and duties.
- 196.1109. Moneys appropriated from trust fund, purposes.
- 196.1112. Projects for centers to be determined by board, subject to peer review — distribution of funds, amounts authorized.
- 196.1115. Board's powers, duties and limitation on expenditures.
- 196.1118. Annual audit by state auditor or private accounting firm — audit available to public — every three years comprehensive report for governor and general assembly, content — audit and report not administrative expense.
- 196.1121. Reimbursement of costs allowed if four-part test met — institutions or organizations receiving grants or awards to retain title to all inventions, data and discoveries — rulemaking authority.
- 196.1124. Board members not to be employed by public or private entity receiving financial support from trust fund — conflict of interest guidelines to be developed.
- 196.1127. Appropriation to board subject to certain requirements.
- 196.1130. Rules to become effective, when.
  - 1. Bank accounts with certain average balances to be obtained through competitive bid process.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 196, RSMo, is amended by adding thereto twelve new sections, to be known as sections 196.1100, 196.1103, 196.1106, 196.1109, 196.1112, 196.1115, 196.1118, 196.1121, 196.1124, 196.1127, 196.1130 and Section 1, to read as follows:

**196.1100. LIFE SCIENCES RESEARCH TRUST FUND ESTABLISHED, PURPOSE — REVERSION TO GENERAL REVENUE PROHIBITED.** — 1. There is hereby established in the state treasury the "Life Sciences Research Trust Fund" to be held separate and apart from all other public moneys and funds of the state, including but not limited to the tobacco securitization settlement trust fund established in section 8.550, RSMo. The state treasurer shall deposit into the fund twenty-five percent of all moneys received from the master settlement agreement, as defined in section 196.1000, beginning in fiscal year 2007 and in perpetuity thereafter. Moneys in the fund shall not be subject to appropriation for purposes other than those provided in sections 196.1100 to 196.1130 without a majority vote in each house of the general assembly. All moneys in the fund shall be used for the

purposes of sections 196.1100 to 196.1130 only. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, the moneys in the fund shall not revert to the credit of general revenue at the end of the biennium.

2. Moneys in the life sciences research trust fund shall be used strategically, in cooperation with other governmental and not-for-profit private entities to enhance the capacity of the state of Missouri's ability to perform research to better serve the health and welfare of the residents of the state of Missouri as a center of life sciences research and development by building on the success of research institutions located in Missouri, creating in and attracting to Missouri new research and development institutions, commercializing the life sciences technologies developed by such institutions, and enhancing their capacity to carry out their respective missions.

**196.1103. BOARD FOR LIFE SCIENCE RESEARCH ESTABLISHED — APPOINTMENT, TERMS, QUALIFICATIONS, EXPENSES, APPOINTMENT TO LIFE SCIENCE COMMITTEE NOT TO DISQUALIFY FOR MEMBERSHIP ON BOARD. —** The management, governance, and control of moneys appropriated from the life sciences research trust fund shall be vested in the "Life Sciences Research Board" which is hereby created in the office of administration as a type III division and which shall consist of seven members. The following provisions shall apply to the life sciences research board and its members:

(1) Each member shall be appointed by the governor with the advice and consent of the senate pursuant to the procedures herein set forth for a term of four years; except that, of the initial members of the board appointed, three shall be appointed for two-year terms and four shall be appointed to four-year terms;

(2) The members of the board shall be generally familiar with the life sciences and current research trends and developments with either technical or scientific expertise in life sciences and with an understanding of the application of the results of life sciences research. The appointment of a person to the life sciences research committee created by Executive Order 01-10 issued by the governor on July 23, 2002, shall not disqualify a person from serving as a member, either contemporaneously or later, on the life sciences research board;

(3) No member of the life sciences research board shall serve more than two consecutive full four-year terms;

(4) The members of the life sciences research board shall receive no salary or other compensation for their services as a member of the board, but shall receive reimbursement for their actual and necessary expenses incurred in performance of their duties as members of the board.

**196.1106. CENTERS FOR LIFE SCIENCES RESEARCH TO BE ESTABLISHED, DEFINITION OF CENTERS — AREAS IN WHICH CENTERS TO BE ESTABLISHED — APPROVAL BY BOARD — SCREENING COMMITTEE APPOINTED FOR EACH AREA — RULES, POWERS AND DUTIES. —** Centers for life sciences research shall be established and shall be subject to the following provisions:

(1) A "center for excellence for life sciences research" means a system or regional consortium of public and private not-for-profit academic, research, or health care institutions or organizations engaged in competitive research in targeted fields consistent with the strategic purposes of life sciences research as provided in sections 196.1100 to 196.1130;

(2) The life sciences research board shall monitor and adopt such rules as are necessary to assure quality and accountability in the operation of the centers for excellence for life sciences research;

(3) One St. Louis area center for excellence may be established within the geographical area encompassing the City of St. Louis and St. Louis, St. Charles, Jefferson,

and Franklin counties. If any part of a municipality is located within any one such county and also encompasses a part of another county in this state, the entire area encompassed within the city limits of such municipality shall be a part of the geographical area of the St. Louis area center for excellence;

(4) One Kansas City area center for excellence may be established within the geographical area encompassing Jackson, Clay, Andrew, Buchanan, and Platte counties. If any part of a municipality is located within any one such county and also encompasses a part of another county in this state, the entire area encompassed within the city limits of such municipality shall be a part of the geographical area of the Kansas City area center for excellence;

(5) One Springfield center for excellence may be established within the geographical area encompassing Greene, Christian, and Webster counties;

(6) A Missouri statewide center for excellence may be established that shall encompass the institutions, agricultural research centers dedicated to the development of plant-made pharmaceuticals, and campuses within the University of Missouri system and those regions of Missouri not encompassed within another center for excellence; provided that the University of Missouri-Kansas City and the University of Missouri-St. Louis shall participate in the centers for excellence in their respective geographical regions;

(7) The life sciences research board shall receive and review suggestions for the formation and composition of the initial centers for excellence. After receiving and reviewing such suggestions, the life sciences research board shall determine the initial composition, and shall consider and approve the organizational plan and structure of the St. Louis area, Kansas City area, Springfield area, and Missouri statewide centers for excellence;

(8) Before any center for excellence is considered to be a center for excellence for life sciences research under sections 196.1100 to 196.1130, its composition and organizational structure shall be approved by the life sciences research board;

(9) Any center for excellence for life sciences research that is established within a geographical area specified in sections 196.1100 to 196.1130 shall be comprised of a consortium of public and private not-for-profit academic, research, or health care institutions or organizations that have collectively at least fifteen million dollars in annual research expenditures in the life sciences, including a collective minimum of two million dollars in basic research in life sciences;

(10) Each center for excellence for life sciences research shall appoint a screening committee. The centers, through their screening committees, shall solicit, collect, prioritize, and forward to the life sciences research board proposed research initiatives for consideration for funding by the board. Members of each screening committee shall generally be familiar with the life sciences and current trends and developments with either technical or scientific expertise in the life sciences with an understanding of life sciences and with an understanding of the application of the results of life sciences research. No member of a screening committee shall be employed by any public or private entity eligible to receive financial support from the life sciences research trust fund; and

(11) The centers for excellence for life sciences research shall have any and all powers attendant to carrying out the operations that are not contrary to the provisions of sections 196.1100 to 196.1130 or any rules, guidelines, or decisions adopted by the life sciences research board.

**196.1109. MONEYS APPROPRIATED FROM TRUST FUND, PURPOSES.** — All moneys that are appropriated by the general assembly from the life sciences research trust fund shall be appropriated to the life sciences research board to increase the capacity for quality of life sciences research at public and private not-for-profit institutions in the state of Missouri and to thereby:

(1) Improve the quantity and quality of life sciences research at public and private not-for-profit institutions, including but not limited to basic research (including the discovery of new knowledge), translational research (including translating knowledge into a usable form), and clinical research (including the literal application of a therapy or intervention to determine its efficacy), including but not limited to health research in human development and aging, cancer, endocrine, cardiovascular, neurological, pulmonary, and infectious disease, and plant sciences, including but not limited to nutrition and food safety; and

(2) Enhance technology transfer and technology commercialization derived from research at public and private not-for-profit institutions within the centers for excellence. For purposes of sections 196.1100 to 196.1130, "technology transfer and technology commercialization" includes stages of the regular business cycle occurring after research and development of a life science technology, including but not limited to reduction to practice, proof of concept, and achieving federal Food and Drug Administration, United States Department of Agriculture, or other regulatory requirements in addition to the definition in section 348.251, RSMo. Funds received by the board may be used for purposes authorized in sections 196.1100 to 196.1130 and shall be subject to the restrictions of sections 196.1100 to 196.1130, including but not limited to the costs of personnel, supplies, equipment, and renovation or construction of physical facilities; provided that in any single fiscal year no more than ten percent of the moneys appropriated shall be used for the construction of physical facilities and further provided that in any fiscal year eighty percent of the moneys shall be appropriated to build research capacity at public and private not-for-profit institutions and twenty percent of the moneys shall be appropriated for grants to public or private not-for-profit institutions to promote life science technology transfer and technology commercialization. Of the moneys appropriated to build research capacity, twenty percent of the moneys shall be appropriated to promote the development of research of tobacco-related illnesses.

**196.1112. PROJECTS FOR CENTERS TO BE DETERMINED BY BOARD, SUBJECT TO PEER REVIEW — DISTRIBUTION OF FUNDS, AMOUNTS AUTHORIZED.** — In determining projects to authorize, the life sciences research board shall consider those proposals endorsed by a center for excellence, subject to a process of peer review conducted under the auspices of the board, and shall also consider the potential of any proposal to bring both health and economic benefits to the people of Missouri. Specifically, at least eighty percent of the moneys that are appropriated to the board in each fiscal year shall be distributed to public and private not-for-profit institutions or organizations whose programs and proposals have been recommended by a center for excellence that meets the requirements set forth in subdivisions (8) and (9) of section 196.1106. Collectively, the institutions or organizations within a single center for excellence shall receive in a single fiscal year no more than fifty percent of the moneys appropriated to the board during such fiscal year. No single institution or organization shall receive in any consecutive three-fiscal-year period more than forty percent of the moneys appropriated to the board during such three-fiscal-year period.

**196.1115. BOARD'S POWERS, DUTIES AND LIMITATION ON EXPENDITURES.** — 1. The moneys appropriated to the life sciences research board that are not distributed by the board in any fiscal year to a center for excellence or a center for excellence endorsed program pursuant to section 196.1112, if any, shall be held in reserve by the board or shall be awarded on the basis of peer review panel recommendations for capacity building initiatives proposed by public and private not-for-profit academic, research, or health care institutions or organizations, or individuals engaged in competitive research in targeted fields consistent with the provisions of sections 196.1100 to 196.1130.

2. The life sciences research board may, in view of the limitations expressed in section 196.1130:

- (1) Award and enter into grants or contracts relating to increasing Missouri's research capacity at public or private not-for-profit institutions;
- (2) Make provision for peer review panels to recommend and review research projects;
- (3) Contract for administrative and support services;
- (4) Lease or acquire facilities and equipment;
- (5) Employ administrative staff; and
- (6) Receive, retain, hold, invest, disburse or administer any moneys that it receives from appropriations or from any other source.

3. The life sciences research board shall utilize as much of the moneys as reasonably possible for building capacity at public and private not-for-profit institutions to do research rather than for administrative expenses. The board shall not in any fiscal year expend more than two percent of the total moneys appropriated to it and of the moneys that it has in reserve or has received from other sources for its own administrative expenses; provided, however, that the general assembly by appropriation from the life sciences research trust fund may authorize a limited amount of additional moneys to be expended for administrative costs.

**196.1118. ANNUAL AUDIT BY STATE AUDITOR OR PRIVATE ACCOUNTING FIRM — AUDIT AVAILABLE TO PUBLIC — EVERY THREE YEARS COMPREHENSIVE REPORT FOR GOVERNOR AND GENERAL ASSEMBLY, CONTENT — AUDIT AND REPORT NOT ADMINISTRATIVE EXPENSE.** — The life sciences research board shall make provision for and secure the state auditor or outside public accounting firm an annual audit of its financial affairs and the moneys expended from the life sciences research trust fund. Such audit shall be performed on a fiscal year basis and the cost of such audit shall not be considered as an administrative expense for purposes of subsection 3 of section 196.1115. The board shall make copies of each audit available to the public. Every three years the board, with the assistance of its staff or independent contractors as determined by the board, shall prepare a comprehensive report assessing the work and progress of the life sciences research program. Such assessment report shall analyze the impact of the board's programs, grants, and contracts performed, shall be provided to the governor and the general assembly, and shall be available to the public. The cost of such assessment report shall not be considered an administrative expense for purposes of subsection 3 of section 196.1115.

**196.1121. REIMBURSEMENT OF COSTS ALLOWED IF FOUR-PART TEST MET — INSTITUTIONS OR ORGANIZATIONS RECEIVING GRANTS OR AWARDS TO RETAIN TITLE TO ALL INVENTIONS, DATA AND DISCOVERIES — RULEMAKING AUTHORITY.** — 1. Grant or contract awards made with moneys appropriated from the life sciences research trust fund shall provide for the reimbursement of costs. Whether reimbursement of specific costs is allowed depends on the application of a four-part test balancing which shall include:

- (1) The reasonableness of the cost;
- (2) The connection to the grant or contract;
- (3) The consistency demonstrated in assigning costs to the grant or contract; and
- (4) Conformance with the specific terms and conditions of the award or contract.

The life sciences research board may from time to time issue rules and guidelines consistent with such four-part test and provide grant and contract recipients with a list or other explanation of regularly permitted costs.

2. Grant and contract recipients shall preserve research freedom, ensure timely disclosure of their research findings to the scientific community, including through

publications and presentations at scientific meetings, and promote utilization, commercialization, and public availability of their inventions and other intellectual property developed as a general institutional policy. Institutions or organizations receiving grant or contract awards shall retain all right, title, and interest, including all intellectual property rights, in and to any and all inventions, ideas, data, improvements, modifications, know-how, creations, copyrightable material, trade secrets, methods, processes, discoveries, and derivatives, regardless of patentability, that are made in the performance of work under a grant award. The life sciences research board shall adopt reasonable rules to ensure that any such intellectual property rights are utilized reasonably and in a manner that is in the public interest.

**196.1124. BOARD MEMBERS NOT TO BE EMPLOYED BY PUBLIC OR PRIVATE ENTITY RECEIVING FINANCIAL SUPPORT FROM TRUST FUND — CONFLICT OF INTEREST GUIDELINES TO BE DEVELOPED.** — No member of the life sciences research board shall be employed by any public or private not-for-profit entity entitled to receive financial support from the life sciences research trust fund, or participate in the making of any decision by the board to make any grant to the board member, any person who is related to the board member within the fourth degree of consanguinity or affinity, any public entity for which the board member serves as an officer, director, or other member of the entity's governing body, or any private entity for which the board member or the member's spouse is employed, serves as an officer, director, or other member of the entity's governing body. The board may from time to time issue conflict of interest guidelines and requirements with respect to the administration of the life sciences research program, to govern the actions of its employees and agents, and to implement the provisions of section 196.1124.

**196.1127. APPROPRIATION TO BOARD SUBJECT TO CERTAIN REQUIREMENTS.** — 1. The moneys appropriated to the life sciences research board pursuant to sections 196.1100 to 196.1124 shall be subject to the provisions of this section.

2. As used in this section, the following terms shall mean:

(1) "Abortion services", include performing, inducing, or assisting with abortions, as defined in section 188.015, RSMo, or encouraging patients to have abortions, referring patients for abortions not necessary to save the life of the mother, or development of drugs, chemicals, or devices intended to be used to induce an abortion;

(2) "Child", a human being recognized as a minor pursuant to the laws of this state, including if in vivo, an unborn child as defined in section 188.015, RSMo, and if in vitro, a human being at any of the stages of biological development of an unborn child from conception or inception onward;

(3) "Conception", the same meaning as such term is defined in section 188.015, RSMo;

(4) "Facilities and administrative costs", those costs that are incurred for common or joint objectives and therefore cannot be identified readily and specifically with a particular research project or any other institutional activity;

(5) "Human cloning", the creation of a human being by any means other than by the fertilization of an oocyte of a human female by a sperm of a human male;

(6) "Prohibited human research", research in a research project in which there is the taking or utilization of the organs, tissues, or cellular material of:

(a) A deceased child, unless consent is given by the parents in a manner provided in sections 194.210 to 194.290, RSMo, relating to anatomical gifts, and neither parent caused the death of such child or consented to another person causing the death of such child;

(b) A living child, when the intended or likely result of such taking or utilization is to kill or cause harm to the health, safety, or welfare of such child, or when the purpose is to target such child for possible destruction in the future;

(7) "Public funds", include:

(a) Any moneys received or controlled by the state of Missouri or any official, department, division, agency, or political subdivision thereof, including but not limited to moneys derived from federal, state, or local taxes, gifts, or grants from any source, settlements of any claims or causes of action, public or private, bond proceeds, federal grants or payments, or intergovernmental transfers;

(b) Any moneys received or controlled by an official, department, division, or agency of state government or any political subdivision thereof, or to any person or entity pursuant to appropriation by the general assembly or governing body of any political subdivision of this state;

(8) "Research project", research proposed to be funded by an award of public funds conducted under the auspices of the entity or entities that applied for and received such award, regardless of whether the research is funded in whole or in part by such award. Such research shall include basic research, including the discovery of new knowledge; translational research, including translational knowledge in a usable form; and clinical research, including but not limited to health research in human development and aging, cancer, endocrine, cardiovascular, neurological, pulmonary, and infectious disease.

3. Public funds shall not be expended, paid, or granted to or on behalf of an existing or proposed research project that involves abortion services, human cloning, or prohibited human research. A research project that receives an award of public funds shall not share costs with another research project, person, or entity not eligible to receive public funds pursuant to this subsection; provided that a research project that receives an award of public funds may pay a pro rata share of facilities and administrative costs determined in the award of public funds according to standards that ensure that public funds do not in any way subsidize facilities and administrative costs of other research projects, persons, or entities not eligible to receive public funds pursuant to this subsection. The application for an award of public funds shall set forth the proposed rates of pro rata cost reimbursement and shall provide supporting data and rationale for such rates. All applicants for and recipients of awards of public funds shall comply with the cost accounting principles set forth in Part 9905 of Title 48 of the Code of Federal Regulations, or successor regulations, in connection with the application for and administration of the research project. All moneys derived from an award of public funds shall be expended only by checks, drafts, or electronic transfers using a separate accounting process maintained for each research project. No moneys derived from an award of public funds shall be used to cover costs for any other research project or to any other person or entity. No moneys derived from an award of public funds shall be passed through to any other research project, person, or entity unless included in the original application for the award of public funds or in subsequent amendments or requests to use separate contractors. A research project that receives an award of public funds shall maintain financial records that demonstrate strict compliance with this subsection. Any audit conducted pursuant to any grant or contract awarding public funds shall also certify whether there is compliance with this subsection and shall note any noncompliance as a material audit finding.

4. The provisions of this section shall inure to the benefit of all residents of this state. Any taxpayer of this state or any political subdivision of this state shall have standing to bring suit against the state of Missouri or any official, department, division, agency, or political subdivision of this state, and any recipient of public funds who or which is in violation of this subsection in any circuit court with jurisdiction to enforce the provisions of this section.

5. This section shall not be construed to permit or make lawful any conduct that is otherwise unlawful pursuant to the laws of this state.

6. Any provision of this section is not severable from any appropriation subject to this section or any application declared by any court to be subject to this section. If any provision of this section is found to be invalid or unconstitutional, any appropriation subject to this section or any appropriation declared by any court to be subject to this section shall be void, invalid, and unenforceable.

**196.1130. RULES TO BECOME EFFECTIVE, WHEN.** — No rule or portion of a rule promulgated pursuant to the authority of sections 196.1100 to 196.1130 shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

**SECTION 1. BANK ACCOUNTS WITH CERTAIN AVERAGE BALANCES TO BE OBTAINED THROUGH COMPETITIVE BID PROCESS.** — Any bank account, included but not limited to the Life Sciences Research Trust Fund created pursuant to Section 196.1100, RSMo, with an average daily balance of ten thousand dollars or more, containing state funds, shall be obtained through an open and competitive bid process.

Approved July 10, 2003

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## SB 1 [SCS#2 SB 1]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Requires boating safety identification card to operate watercraft for certain individuals**

AN ACT to amend chapter 306, RSMo, by adding thereto three new sections relating to boating safety.

## SECTION

- A. Enacting clause.
- 306.127. Boating safety identification card required, when, requirements, fee — inapplicable, when.
- 306.128. Boating offenses, offender requirements.
- 306.129. Rulemaking authority.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 306, RSMo, is amended by adding thereto three new sections, to be known as sections 306.127, 306.128, and 306.129, to read as follows:

**306.127. BOATING SAFETY IDENTIFICATION CARD REQUIRED, WHEN, REQUIREMENTS, FEE — INAPPLICABLE, WHEN.** — **1.** Beginning January 1, 2005, every person born after January 1, 1984, or as required pursuant to section 306.128, operates a vessel on the lakes of this state shall possess, on the vessel, a boating safety identification card issued by the Missouri state water patrol or its agent which shows that he or she has:

(1) Successfully completed a boating safety course approved by the National Association of State Boating Law Administrators and certified by the Missouri state water patrol. The boating safety course may include a course sponsored by the United States Coast Guard Auxiliary or the United States Power Squadron. The Missouri state water patrol may appoint agents to administer a boater education course or course equivalency examination and issue boater identification cards under guidelines established by the water patrol. The Missouri state water patrol shall maintain a list of approved courses; or

(2) Successfully passed an equivalency examination prepared by the Missouri state water patrol and administered by the Missouri state water patrol or its agent. The equivalency examination shall have a degree of difficulty equal to, or greater than, that of the examinations given at the conclusion of an approved boating safety course; or

(3) A valid master's, mate's, or operator's license issued by the United States Coast Guard.

**2.** The Missouri state water patrol or its agent shall issue a permanent boating safety identification card to each person who complies with the requirements of this section which is valid for life unless invalidated pursuant to law.

**3.** The Missouri state water patrol may charge a fee for such card or any replacement card that does not substantially exceed the costs of administering this section. The Missouri state water patrol or its designated agent shall collect such fees. These funds shall be forwarded to general revenue.

**4.** The provisions of this section shall not apply to any person who:

- (1) Is licensed by the United States Coast Guard to serve as master of a vessel;
- (2) Operates a vessel only on a private lake or pond that is not classified as waters of the state;
- (3) Until January 1, 2006, is a nonresident who is visiting the state for sixty days or less;
- (4) Is participating in an event or regatta approved by the water patrol;

(5) Is a nonresident who has proof of a valid boating certificate or license issued by another state if the boating course is approved by the National Association of State Boating Law Administrators (NASBLA);

(6) Is exempted by rule of the water patrol;

(7) Is currently serving in any branch of the United States armed forces, reserves, or Missouri national guard, or any spouse of a person currently in such service; or

(8) Has previously successfully completed a boating safety education course approved by the National Association of State Boating Law Administrators (NASBLA).

5. The Missouri state water patrol shall inform other states of the requirements of this section.

6. No individual shall be detained or stopped strictly for the purpose of checking for said boating safety identification card.

**306.128. BOATING OFFENSES, OFFENDER REQUIREMENTS.** — Beginning January 1, 2005, any person convicted of an offense pursuant to section 306.110, 306.111, 306.112, 306.127, 306.132, or 306.141 shall:

(1) Enroll in and successfully complete, at his or her own expense, a boating safety education course that meets minimum standards established by the water patrol by rule;

(2) File with the court proof of successful completion of such course and submit a certified copy to the water patrol; and

(3) Not operate a vessel until such filing.

**306.129. RULEMAKING AUTHORITY.** — 1. The Missouri state water patrol is authorized to promulgate such rules as are necessary to effectuate the provisions of sections 306.127 and 306.128.

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

Approved June 26, 2003

## SB 4 [SCS SB 4]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Creates the Antiterrorism Fund and Fight Terrorism license plate.**

AN ACT to amend chapters 41 and 301, RSMo, by adding thereto two new sections relating to antiterrorism.

### SECTION

A. Enacting clause.

41.033. Antiterrorism fund created, purpose — reversion to general revenue prohibited — governor to direct expenditures — antiterrorism activities defined.

301.3123. Fight Terrorism special license plates, application, fees.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapters 41 and 301, RSMo, are amended by adding thereto two new sections, to be known as sections 41.033 and 301.3123, to read as follows:

**41.033. ANTITERRORISM FUND CREATED, PURPOSE — REVERSION TO GENERAL REVENUE PROHIBITED — GOVERNOR TO DIRECT EXPENDITURES — ANTITERRORISM ACTIVITIES DEFINED.** — 1. The "Antiterrorism Fund" is hereby established within the state treasury. The state treasurer shall be custodian of the fund, in accordance with sections 30.170 and 30.180, RSMo, and shall make disbursements from said fund for the purposes enumerated in subsection 2 of this section. All contributions derived from section 301.3123, RSMo, private donations and grants, or any appropriations made by the general assembly, shall be placed in the antiterrorism fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the antiterrorism fund shall not revert to the general revenue fund. Interest accruing to the antiterrorism fund shall be part of the fund.

2. The antiterrorism fund shall, upon appropriation, be used by the Missouri office of homeland security for antiterrorism activities. Expenditures from the fund shall be made upon the direction of the governor for antiterrorism activities. As used in this section, the term "antiterrorism activities" means activities related to the prevention, detection, and emergency response to terrorism that are undertaken by state and local law enforcement, fire protection, and public health agencies. The funds provided for these activities, to the extent that funds are available, shall be used exclusively for purposes directly related to fighting terrorism. Eligible activities include, but are not limited to, hiring support staff to perform administrative tasks, hiring and training additional law enforcement, fire protection, and public health personnel, response training for existing and additional law enforcement, fire protection, and public health personnel, and hazardous materials and other equipment expenditures.

**301.3123. FIGHT TERRORISM SPECIAL LICENSE PLATES, APPLICATION, FEES.** — 1. Any vehicle owner may apply for "FIGHT TERRORISM" license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. Upon making an annual twenty-five dollar contribution to the antiterrorism fund established pursuant to section 41.033, RSMo, the vehicle owner may apply for the "FIGHT TERRORISM" plate. If the contribution is made directly to the Missouri office of homeland security it shall issue the individual making the contribution a receipt, verifying the contribution, that may be used to apply for the "FIGHT TERRORISM" license plate. If the contribution is made directly to the director of revenue pursuant to section 301.3031, the director shall note the contribution and the owner may then apply for the "FIGHT TERRORISM" plate. The applicant for such plate must pay a fifteen-dollar fee in addition to the regular registration fees and present any other documentation required by law for each set of "FIGHT TERRORISM" plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. The "FIGHT TERRORISM" plate shall bear an emblem prescribed by the director of revenue and shall have the words "FIGHT TERRORISM" in place of the words "SHOW-ME STATE". The insignia shall be affixed on multiyear personalized license plates within the plate area prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white

background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130.

2. A vehicle owner, who was previously issued a "FIGHT TERRORISM" license plate authorized by this section but who does not provide proof of the annual contribution at a subsequent time of registration, shall be issued a new plate which does not bear the emblem or motto "FIGHT TERRORISM", as otherwise provided by law.

3. The director of revenue may promulgate rules and regulations for the administration of this section, and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

Approved July 11, 2003

## SB 5 [HS HCS SS SCS SB 5]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### **Makes numerous changes to sentencing laws**

AN ACT to repeal sections 56.807, 84.570, 217.362, 217.750, 217.760, 478.610, 513.653, 556.061, 557.036, 558.011, 558.016, 558.019, 559.026, 559.115, 565.081, 565.082, 565.083, 568.045, 570.030, 570.040, 571.030, 589.400, 589.407, 589.414, and 595.209, RSMo, and to enact in lieu thereof twenty-eight new sections relating to crime, with penalty provisions and an emergency clause.

#### SECTION

- A. Enacting clause.
- 56.807. Local payments, amounts — prosecuting attorneys and circuit attorneys' retirement system fund created — donations may be accepted.
- 84.570. Police force — qualifications — competitive examinations — eligible list — rules by board (Kansas City).
- 217.362. Program for offenders with substance abuse addiction — eligibility, disposition, placement — completion, effect.
- 217.750. Probation services provided to circuit courts, when.
- 217.760. Probation and parole officers furnished to circuit courts, when — presentence and preparole investigations — requirements.
- 478.610. Circuit No. 13, number of judges, divisions — when judges elected — additional associate circuit judge for Boone County, when.
- 488.026. Surcharge for all criminal cases, amount — county ordinance defined — collection and deposit of funds.
- 488.5026. Two-dollar surcharge for all criminal cases, funds to be deposited in inmate security fund.
- 513.653. Peace officers using federal forfeiture system, audit of federal seizure proceeds — copies provided to whom — violation, penalty.
- 556.061. Code definitions.
- 557.036. Role of court and jury in sentencing — two stages of trial — punishment assessed by jury, when.
- 558.011. Sentence of imprisonment, terms — conditional release.
- 558.016. Extended terms for recidivism — definitions — persistent misdemeanor offender.
- 558.019. Prior felony convictions, minimum prison terms — prison commitment defined — dangerous felony, minimum term prison term, how calculated — sentencing commission created, members, duties —

- recommended sentences, distribution — report — expenses — cooperation with commission — restorative justice methods.
- 559.026. Detention condition of probation.
- 559.115. Appeals, probation not to be granted, when — probation granted after delivery to department of corrections, time limitation, assessment — one hundred twenty day program — notification to state, when, hearing — no probation in certain cases.
- 565.081. Assault of a law enforcement officer or emergency personnel in the first degree, definition, penalty.
- 565.082. Assault of a law enforcement officer or emergency personnel in the second degree, definition, penalty.
- 565.083. Assault of a law enforcement officer or emergency personnel in the third degree, definition, penalty.
- 565.350. Tampering with a prescription or a drug prescription order, crime of — penalty.
- 568.045. Endangering the welfare of a child in the first degree, penalties.
- 570.030. Stealing — penalties.
- 570.040. Stealing, third offense.
- 571.030. Unlawful use of weapons — exceptions — penalties.
- 589.400. Registration of certain offenders with chief law officers of county of residence — time limitation — cities may request copy of registration.
- 589.407. Registration, required information.
- 589.414. Registrant's duties on change of address — time limitations for certain notifications.
- 595.209. Rights of victims and witnesses — written notification, requirements.
- B. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 56.807, 84.570, 217.362, 217.750, 217.760, 478.610, 513.653, 556.061, 557.036, 558.011, 558.016, 558.019, 559.026, 559.115, 565.081, 565.082, 565.083, 568.045, 570.030, 570.040, 571.030, 589.400, 589.407, 589.414, and 595.209, RSMo, are repealed and twenty-eight new sections enacted in lieu thereof, to be known as sections 56.807, 84.570, 217.362, 217.750, 217.760, 478.610, 488.026, 488.5026, 513.653, 556.061, 557.036, 558.011, 558.016, 558.019, 559.026, 559.115, 565.081, 565.082, 565.083, 565.350, 568.045, 570.030, 570.040, 571.030, 589.400, 589.407, 589.414, and 595.209, to read as follows:

**56.807. LOCAL PAYMENTS, AMOUNTS — PROSECUTING ATTORNEYS AND CIRCUIT ATTORNEYS' RETIREMENT SYSTEM FUND CREATED — DONATIONS MAY BE ACCEPTED. —**

**1. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003,** the funds for prosecuting attorneys and circuit attorneys provided for in subsection 2 of this section shall be paid from county or city funds.

**2. Beginning [thirty days after the establishment of this system] August 28, 1989, and continuing monthly thereafter until August 27, 2003,** each county treasurer shall pay to the system the following amounts to be drawn from the general revenues of the county:

(1) For counties of the third and fourth classification except as provided in subdivision (3) of this subsection, three hundred seventy-five dollars;

(2) For counties of the second classification, five hundred forty-one dollars and sixty-seven cents;

(3) For counties of the first classification, counties which pursuant to section 56.363 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of section 56.363, and the city of St. Louis, one thousand two hundred ninety-one dollars and sixty-seven cents.

**3. Beginning August 28, 1989, and continuing until August 27, 2003,** the county treasurer shall at least monthly transmit the sums specified in subsection 2 of this section to the Missouri office of prosecution services for deposit to the credit of the "Missouri Prosecuting Attorneys and Circuit Attorneys' Retirement System Fund", which is hereby created. All moneys held by the state treasurer on behalf of the system shall be paid to the system within ninety days after August 28, 1993. Moneys in the Missouri prosecuting attorneys and circuit attorneys'

retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840 and for no other purpose.

4. Beginning August 28, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in this section shall be paid from county or city funds and the surcharge established in this section and collected as provided by this section and sections 488.010 to 488.020, RSMo.

5. Beginning August 28, 2003, each county treasurer shall pay to the system the following amounts to be drawn from the general revenues of the county:

(1) For counties of the third and fourth classification except as provided in subdivision (3) of this subsection, one hundred eighty-seven dollars;

(2) For counties of the second classification, two hundred seventy-one dollars;

(3) For counties of the first classification, counties which pursuant to section 56.363, elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of section 56.363, and the city of St. Louis, six hundred forty-six dollars.

6. Beginning August 28, 2003, the county treasurer shall at least monthly transmit the sums specified in subsection 5 of this section to the Missouri office of prosecution services for deposit to the credit of the Missouri prosecuting attorneys and circuit attorneys retirement system fund. Moneys in the Missouri prosecuting attorneys and circuit attorneys retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840, and for no other purpose.

7. Beginning August 28, 2003, the following surcharge for prosecuting attorneys and circuit attorneys shall be collected and paid as follows:

(1) There shall be assessed and collected a surcharge of four dollars in all criminal cases filed in the courts of this state including violation of any county ordinance or any violation of criminal or traffic laws of this state, including infractions, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state, county, or municipality or when a criminal proceeding or the defendant has been dismissed by the court or against any person who has pled guilty and paid their fine pursuant to subsection 4 of section 476.385, RSMo. For purposes of this section, the term "county ordinance" shall include any ordinance of the city of St. Louis;

(2) The clerk responsible for collecting court costs in criminal cases shall collect and disburse such amounts as provided by sections 488.010 to 488.026, RSMo. Such funds shall be payable to the prosecuting attorneys and circuit attorneys' retirement fund moneys credited to the prosecuting attorneys and circuit attorneys' retirement fund and shall be used only for the purposes provided for in sections 56.800 to 56.840 and for no other purpose.

8. The board may accept gifts, donations, grants and bequests from private or public sources to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund.

[5.] 9. No state moneys shall be used to fund section 56.700 and sections 56.800 to 56.840 unless provided for by law.

**84.570. POLICE FORCE — QUALIFICATIONS — COMPETITIVE EXAMINATIONS — ELIGIBLE LIST — RULES BY BOARD (KANSAS CITY).** — 1. No person shall be appointed policeman or officer of police who shall have been convicted of any offense, the punishment of which may be confinement in the state penitentiary; nor shall any person be appointed who is not proven to be of good character, or who is not proven to be a bona fide citizen [and resident of such city for a period of at least one year and a citizen] of the United States, or who cannot read and write the English language and who does not possess ordinary physical strength and courage, nor shall any person be originally appointed to said police force who is less than twenty-one years of age[; provided, however, that the board of police commissioners may, upon recommendation of the chief, waive the requirement of residency in the appointment of any

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policeman or officer of police for the period during which such appointee shall be on probationary status; provided, however, that on completion of the probationary period such policeman or officer of police becomes a bona fide resident of such city]. **Notwithstanding any other provision of law, the board shall have the sole authority to determine conditions of employment for police officers pursuant to section 84.460.**

2. The board shall from time to time require open competitive examinations or tests for determining the qualifications and fitness of all applicants for appointment to positions on the police force. Such examinations and tests shall be practical and shall relate to matters which fairly measure the relative fitness of the candidates to discharge the duties of the positions to which they seek to be appointed. Notice of such examinations and tests shall be given not less than ten days in advance thereof by public advertisement in at least one newspaper of general circulation in such city, and by posting notice in the police headquarters building. A list of those qualifying in such examinations shall be established, listing those qualified in order of rank. When an appointment is to be made, the appointment shall be made from such eligible list.

3. The board shall also establish rules for:

- (1) Temporary employment for not exceeding sixty days in the absence of any eligible list;
- (2) Hours of work of police employees and officers subject to the provisions of section 84.510; and
- (3) Attendance regulations and leaves of absence.

**217.362. PROGRAM FOR OFFENDERS WITH SUBSTANCE ABUSE ADDICTION — ELIGIBILITY, DISPOSITION, PLACEMENT — COMPLETION, EFFECT. —** 1. The department of corrections shall design and implement an intensive long-term program for the treatment of chronic nonviolent offenders with serious substance abuse addictions who have not pleaded guilty to or been convicted of a dangerous felony as defined in section 556.061, RSMo.

2. Prior to sentencing, any judge considering an offender for this program shall notify the department. The potential candidate for the program shall be screened by the department to determine eligibility. The department shall, by regulation, establish eligibility criteria and inform the court of such criteria. The department shall notify the court as to the offender's eligibility and the availability of space in the program. Notwithstanding any other provision of law to the contrary, except as provided for in section 558.019, RSMo, if an offender is eligible and there is adequate space, the court may sentence a person to the program which shall consist of institutional drug or alcohol treatment for a period of **at least twelve and no more than** twenty-four months, as well as a term of incarceration. **The department shall determine the nature, intensity, duration, and completion criteria of the education, treatment, and aftercare portions of any program services provided.** Execution of the offender's term of incarceration shall be suspended pending completion of said program. Allocation of space in the program may be distributed by the department in proportion to drug arrest patterns in the state. If the court is advised that an offender is not eligible or that there is no space available, the court shall consider other authorized dispositions.

3. [Notwithstanding any other provision of the law to the contrary, upon successful completion of the program, the board of probation and parole may advise the sentencing court of the eligibility of the individual for probation. The original sentencing court shall hold a hearing to make a determination as to the fitness of the offender to be placed on probation. The court shall follow the recommendation of the board unless the court makes a determination that such a placement would be an abuse of discretion. If an offender successfully completes the program before the end of the twenty-four-month period, the department may petition the court and request that probation be granted immediately.] **Upon successful completion of the program, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. If the court determines that probation is not appropriate the court may order the execution of the offender's sentence.**

4. If it is determined by the department that the offender has not successfully completed the program, or that the offender is not cooperatively participating in the program, the offender shall be removed from the program and the court shall be advised. Failure of an offender to complete the program shall cause the offender to serve the sentence prescribed by the court and void the right to be considered for probation on this sentence.

**5. An offender's first incarceration in a department of corrections program pursuant to this section prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term pursuant to the provisions of section 558.019, RSMo.**

**217.750. PROBATION SERVICES PROVIDED TO CIRCUIT COURTS, WHEN.** — 1. At the request of a judge of any circuit court, the board shall provide probation services for such court as provided in subsection 2 of this section.

2. The board shall provide probation services for any person convicted of any class of felony. The board shall not [be required to] provide probation services for any class of misdemeanor except those class A misdemeanors the basis of which is contained in chapters 565[,] and 566 [and 570], RSMo, or in section 568.050, RSMo, 455.085, RSMo, or section 455.538, RSMo. [The board may in its discretion accept other persons for supervision who have been convicted of driving while intoxicated under the provisions of section 577.023, RSMo.]

**217.760. PROBATION AND PAROLE OFFICERS FURNISHED TO CIRCUIT COURTS, WHEN — PRESENTENCE AND PREPAROLE INVESTIGATIONS — REQUIREMENTS.** — 1. In all felony cases and class A misdemeanor cases, the basis of which misdemeanor cases are contained in chapters 565[,] and 566, [and 570.] RSMo, and section 577.023, RSMo, at the request of a circuit judge of any circuit court, the board shall assign one or more state probation and parole officers to make an investigation of the person convicted of the crime or offense before sentence is imposed. **In all felony cases in which the recommended sentence established by the sentencing advisory commission pursuant to subsection 6 of section 558.019, RSMo, includes probation but the recommendation of the prosecuting attorney or circuit attorney does not include probation, the board of probation and parole shall, prior to sentencing, provide the judge with a report on available alternatives to incarceration. If a presentence investigation report is completed then the available alternatives shall be included in the presentence investigation report.**

2. The report of the presentence investigation or preparole investigation shall contain any prior criminal record of the defendant and such information about his **or her** characteristics, his **or her** financial condition, his **or her** social history [and], the circumstances affecting his **or her** behavior as may be helpful in imposing sentence or in granting probation or in the correctional treatment of the defendant, **information concerning the impact of the crime upon the victim, the recommended sentence established by the sentencing advisory commission and available alternatives to incarceration including opportunities for restorative justice**, as well as a recommendation by the probation and parole officer. The officer shall secure such other information as may be required by the court and, whenever it is practicable and needed, such investigation shall include a physical and mental examination of the defendant.

**478.610. CIRCUIT NO. 13, NUMBER OF JUDGES, DIVISIONS — WHEN JUDGES ELECTED — ADDITIONAL ASSOCIATE CIRCUIT JUDGE FOR BOONE COUNTY, WHEN.** — 1. There shall be three circuit judges in the thirteenth judicial circuit consisting of the counties of Boone and Callaway. These judges shall sit in divisions numbered one, two and three. **Beginning on January 1, 2007, there shall be four circuit judges in the thirteenth judicial circuit and these judges shall sit in divisions numbered one, two, three, and four.**

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2. The circuit judge in division two shall be elected in 1980. The circuit judges in divisions one and three shall be elected in 1982. **The circuit judge in division four shall be elected in 2006 for a two-year term and thereafter in 2008 for a full six-year term.**

3. The authority for a majority of judges of the thirteenth judicial circuit to appoint or retain a commissioner pursuant to section 478.003 shall expire August 28, 2001. As of such date, there shall be one additional associate circuit judge position in Boone County than is provided pursuant to section 478.320.

**488.026. SURCHARGE FOR ALL CRIMINAL CASES, AMOUNT — COUNTY ORDINANCE DEFINED — COLLECTION AND DEPOSIT OF FUNDS. —** As provided by section 56.807, RSMo, there shall be assessed and collected a surcharge of four dollars in all criminal cases filed in the courts of this state, including violations of any county ordinance or any violation of criminal or traffic laws of this state, including infractions, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state, county, or municipality or when a criminal proceeding or the defendant has been dismissed by the court or against any person who has pled guilty and paid their fine pursuant to subsection 4 of section 476.385, RSMo. For purposes of this section, the term "county ordinance" shall include any ordinance of the City of St. Louis. The clerk responsible for collecting court costs in criminal cases shall collect and disburse such amounts as provided by sections 488.010 to 488.020. Such funds shall be payable to the prosecuting attorneys and circuit attorneys' retirement fund.

**488.5026. TWO-DOLLAR SURCHARGE FOR ALL CRIMINAL CASES, FUNDS TO BE DEPOSITED IN INMATE SECURITY FUND. —** 1. Upon approval of the governing body of a city, county, or a city not within a county, a surcharge of two dollars shall be assessed as costs in each court proceeding filed in any court in any city, county, or city not within a county adopting such a surcharge, in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of two dollars shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031, RSMo.

2. Notwithstanding any other provision of law, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020, and shall be payable to the treasurer of the governmental unit authorizing such surcharge.

3. The treasurer shall deposit funds generated by the surcharge into the "Inmate Security Fund". Funds deposited shall be utilized to develop biometric identification systems to insure that inmates can be properly identified and tracked within the local jail system.

**513.653. PEACE OFFICERS USING FEDERAL FORFEITURE SYSTEM, AUDIT OF FEDERAL SEIZURE PROCEEDS — COPIES PROVIDED TO WHOM — VIOLATION, PENALTY. —** 1. Law enforcement agencies involved in using the federal forfeiture system under federal law shall be required at the end of their respective fiscal year to acquire an independent audit of the federal seizures and the proceeds received therefrom and provide this audit to their respective governing body **and to the department of public safety**. A copy of such audit shall be provided to the state auditor's office. This audit shall be paid for out of the proceeds of such federal forfeitures. **The department of public safety shall not issue funds to any law enforcement agency that fails to comply with the provisions of this section.**

2. Intentional or knowing failure to comply with the audit requirement contained in this section shall be a class A misdemeanor, punishable by a fine of up to one thousand dollars.

**556.061. CODE DEFINITIONS.** — In this code, unless the context requires a different definition, the following shall apply:

- (1) "Affirmative defense" has the meaning specified in section 556.056;
- (2) "Burden of injecting the issue" has the meaning specified in section 556.051;
- (3) "Commercial film and photographic print processor", any person who develops exposed photographic film into negatives, slides or prints, or who makes prints from negatives or slides, for compensation. The term commercial film and photographic print processor shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency;
- (4) "Confinement":
  - (a) A person is in confinement when such person is held in a place of confinement pursuant to arrest or order of a court, and remains in confinement until:
    - a. A court orders the person's release; or
    - b. The person is released on bail, bond, or recognizance, personal or otherwise; or
    - c. A public servant having the legal power and duty to confine the person authorizes his release without guard and without condition that he return to confinement;
  - (b) A person is not in confinement if:
    - a. The person is on probation or parole, temporary or otherwise; or
    - b. The person is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport the person to or from a place of confinement;
- (5) "Consent": consent or lack of consent may be expressed or implied. Assent does not constitute consent if:
  - (a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or
  - (b) It is given by a person who by reason of youth, mental disease or defect, or intoxication, is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
  - (c) It is induced by force, duress or deception;
- (6) "Criminal negligence" has the meaning specified in section 562.016, RSMo;
- (7) "Custody", a person is in custody when the person has been arrested but has not been delivered to a place of confinement;
- (8) "Dangerous felony" means the felonies of arson in the first degree, assault in the first degree, attempted forcible rape if physical injury results, attempted forcible sodomy if physical injury results, forcible rape, forcible sodomy, kidnaping, murder in the second degree, **assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, [and] robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, and abuse of a child pursuant to subdivision (2) of subsection 3 of section 568.060, RSMo;**
- (9) "Dangerous instrument" means any instrument, article or substance, which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury;
- (10) "Deadly weapon" means any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged, or a switchblade knife, dagger, billy, blackjack or metal knuckles;

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- (11) "Felony" has the meaning specified in section 556.016;
  - (12) "Forcible compulsion" means either:
    - (a) Physical force that overcomes reasonable resistance; or
    - (b) A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of such person or another person;
  - (13) "Incapacitated" means that physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of such person's conduct, or unable to communicate unwillingness to an act. A person is not incapacitated with respect to an act committed upon such person if he or she became unconscious, unable to appraise the nature of such person's conduct or unable to communicate unwillingness to an act, after consenting to the act;
  - (14) "Infraction" has the meaning specified in section 556.021;
  - (15) "Inhabitable structure" has the meaning specified in section 569.010, RSMo;
  - (16) "Knowingly" has the meaning specified in section 562.016, RSMo;
  - (17) "Law enforcement officer" means any public servant having both the power and duty to make arrests for violations of the laws of this state, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States;
  - (18) "Misdemeanor" has the meaning specified in section 556.016;
  - (19) "Offense" means any felony, misdemeanor or infraction;
  - (20) "Physical injury" means physical pain, illness, or any impairment of physical condition;
  - (21) "Place of confinement" means any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held;
  - (22) "Possess" or "possessed" means having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if such person has the object on his or her person or within easy reach and convenient control. A person has constructive possession if such person has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one person alone has possession of an object, possession is sole. If two or more persons share possession of an object, possession is joint;
  - (23) "Public servant" means any person employed in any way by a government of this state who is compensated by the government by reason of such person's employment, any person appointed to a position with any government of this state, or any person elected to a position with any government of this state. It includes, but is not limited to, legislators, jurors, members of the judiciary and law enforcement officers. It does not include witnesses;
  - (24) "Purposely" has the meaning specified in section 562.016, RSMo;
  - (25) "Recklessly" has the meaning specified in section 562.016, RSMo;
  - (26) "Ritual" or "ceremony" means an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity;
  - (27) "Serious emotional injury", an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;
  - (28) "Serious physical injury" means physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body;
  - (29) "Sexual conduct" means acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification;
  - (30) "Sexual contact" means any touching of the genitals or anus of any person, or the breast of any female person, or any such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person;
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(31) "Sexual performance", any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen years of age;

(32) "Voluntary act" has the meaning specified in section 562.011, RSMo.

**557.036. ROLE OF COURT AND JURY IN SENTENCING — TWO STAGES OF TRIAL — PUNISHMENT ASSESSED BY JURY, WHEN.** — 1. [Subject to the limitation provided in subsection 3 of this section,] Upon a finding of guilt upon verdict or plea, the court shall decide the extent or duration of sentence or other disposition to be imposed under all the circumstances, having regard to the nature and circumstances of the offense and the history and character of the defendant and render judgment accordingly.

2. [The court shall instruct the jury as to the range of punishment authorized by statute and upon a finding of guilt to assess and declare the punishment as a part of their verdict, unless:] **Where an offense is submitted to the jury, the trial shall proceed in two stages. At the first stage, the jury shall decide only whether the defendant is guilty or not guilty of any submitted offense. The issue of punishment shall not be submitted to the jury at the first stage.**

3. **If the jury at the first stage of a trial finds the defendant guilty of the submitted offense, the second stage of the trial shall proceed. The issue at the second stage of the trial shall be the punishment to be assessed and declared. Evidence supporting or mitigating punishment may be presented. Such evidence may include, within the discretion of the court, evidence concerning the impact of the crime upon the victim, the victim's family and others, the nature and circumstances of the offense, and the history and character of the defendant. Rebuttal and surrebuttal evidence may be presented. The state shall be the first to proceed. The court shall instruct the jury as to the range of punishment authorized by statute for each submitted offense. The attorneys may argue the issue of punishment to the jury, and the state shall have the right to open and close the argument. The jury shall assess and declare the punishment as authorized by statute.**

4. **A second stage of the trial shall not proceed and the court, and not the jury, shall assess punishment if:**

(1) The defendant requests in writing, prior to voir dire, that the court assess the punishment in case of a finding of guilt; or

(2) The state pleads and proves the defendant is a prior offender, persistent offender, dangerous offender, or persistent misdemeanor offender as defined in section 558.016, RSMo, a persistent sexual offender as defined in section 558.018, RSMo, or a predatory sexual offender as defined in section 558.018, RSMo.

If the jury [finds the defendant guilty but] cannot agree on the punishment to be assessed, the court shall proceed as provided in subsection 1 of this section. If [there be a trial by jury and the jury is to assess punishment and if], after due deliberation by the jury, the court finds the jury cannot agree on punishment, then the court may instruct the jury that if it cannot agree on punishment that [it may return its verdict without assessing punishment and] the court will assess punishment.

[3.] 5. If the jury returns a verdict of guilty **in the first stage** and declares a term of imprisonment [as provided in subsection 2 of this section] **in the second stage**, the court shall proceed as provided in subsection 1 of this section except that any term of imprisonment imposed cannot exceed the term declared by the jury unless the term declared by the jury is less than the authorized lowest term for the offense, in which event the court cannot impose a term of imprisonment greater than the lowest term provided for the offense.

[4.] 6. If the defendant is found to be a prior offender, persistent offender, dangerous offender or persistent misdemeanor offender as defined in section 558.016, RSMo:

(1) If he has been found guilty of an offense, the court shall proceed as provided in section 558.016, RSMo; or

(2) If he has been found guilty of a class A felony, the court may impose any sentence authorized for the class A felony.

[5.] 7. The court shall not seek an advisory verdict from the jury in cases of prior offenders, persistent offenders, dangerous offenders, persistent sexual offenders or predatory sexual offenders; if an advisory verdict is rendered, the court shall not deem it advisory, but shall consider it as mere surplusage.

**558.011. SENTENCE OF IMPRISONMENT, TERMS — CONDITIONAL RELEASE.** — 1. The authorized terms of imprisonment, including both prison and conditional release terms, are:

(1) For a class A felony, a term of years not less than ten years and not to exceed thirty years, or life imprisonment;

(2) For a class B felony, a term of years not less than five years and not to exceed fifteen years;

(3) For a class C felony, a term of years not to exceed seven years;

(4) For a class D felony, a term of years not to exceed [five] **four** years;

(5) For a class A misdemeanor, a term not to exceed one year;

(6) For a class B misdemeanor, a term not to exceed six months;

(7) For a class C misdemeanor, a term not to exceed fifteen days.

2. In cases of class C and D felonies, the court shall have discretion to imprison for a special term not to exceed one year in the county jail or other authorized penal institution, and the place of confinement shall be fixed by the court. If the court imposes a sentence of imprisonment for a term longer than one year upon a person convicted of a class C or D felony, it shall commit the person to the custody of the department of corrections for a term of years not less than two years and not exceeding the maximum authorized terms provided in subdivisions (3) and (4) of subsection 1 of this section.

3. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall commit the [defendant] **person** to the custody of the department of corrections for the term imposed under section 557.036, RSMo, or until released under procedures established elsewhere by law.

(2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the court shall commit the [defendant] **person** to the county jail or other authorized penal institution for the term of his **or her** sentence or until released under procedure established elsewhere by law.

4. (1) A sentence of imprisonment for a term of years for felonies other than dangerous felonies as defined in section 556.061, RSMo, and other than sentences of imprisonment which involve the individual's fourth or subsequent remand to the department of corrections shall consist of a prison term and a conditional release term. The conditional release term of any term imposed under section 557.036, RSMo, shall be:

(a) One-third for terms of nine years or less;

(b) Three years for terms between nine and fifteen years;

(c) Five years for terms more than fifteen years; and the prison term shall be the remainder of such term. The prison term may be extended by the board of probation and parole pursuant to subsection 5 of this section.

(2) "Conditional release" means the conditional discharge of an offender by the board of probation and parole, subject to conditions of release that the board deems reasonable to assist the offender to lead a law-abiding life, and subject to the supervision under the state board of probation and parole. The conditions of release shall include avoidance by the offender of any other crime, federal or state, and other conditions that the board in its discretion deems reasonably necessary to assist the releasee in avoiding further violation of the law.

5. The date of conditional release from the prison term may be extended up to a maximum of the entire sentence of imprisonment by the board of probation and parole. The director of any division of the department of corrections except the board of probation and parole may file with the board of probation and parole a petition to extend the conditional release date when an

offender fails to follow the rules and regulations of the division or commits an act in violation of such rules. Within ten working days of receipt of the petition to extend the conditional release date, the board of probation and parole shall convene a hearing on the petition. The offender shall be present and may call witnesses in his **or her** behalf and cross-examine witnesses appearing against [him] **the offender**. The hearing shall be conducted as provided in section 217.670, RSMo. If the violation occurs in close proximity to the conditional release date, the conditional release may be held for a maximum of fifteen working days to permit necessary time for the division director to file a petition for an extension with the board and for the board to conduct a hearing, provided some affirmative manifestation of an intent to extend the conditional release has occurred prior to the conditional release date. If at the end of a fifteen-working-day period a board decision has not been reached, the offender shall be released conditionally. The decision of the board shall be final.

**558.016. EXTENDED TERMS FOR RECIDIVISM — DEFINITIONS — PERSISTENT MISDEMEANOR OFFENDER.** — 1. The court may sentence a person who has pleaded guilty to or has been found guilty of an offense to a term of imprisonment as authorized by section 558.011 or to a term of imprisonment authorized by a statute governing the offense, if it finds the defendant is a prior offender or a persistent misdemeanor offender, or to an extended term of imprisonment if it finds the defendant is a persistent offender or a dangerous offender.

2. A "prior offender" is one who has pleaded guilty to or has been found guilty of one felony.

3. A "persistent offender" is one who has pleaded guilty to or has been found guilty of two or more felonies committed at different times.

4. A "dangerous offender" is one who:

(1) Is being sentenced for a felony during the commission of which he knowingly murdered or endangered or threatened the life of another person or knowingly inflicted or attempted or threatened to inflict serious physical injury on another person; and

(2) Has pleaded guilty to or has been found guilty of a class A or B felony or a dangerous felony.

5. A "persistent misdemeanor offender" is one who has pleaded guilty to or has been found guilty of two or more class A or B misdemeanors, committed at different times, which are defined as offenses under chapters 195, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, and 576, RSMo.

6. The pleas or findings of guilty shall be prior to the date of commission of the present offense.

7. The total authorized maximum terms of imprisonment for a persistent offender or a dangerous offender are:

(1) For a class A felony, any sentence authorized for a class A felony;

(2) For a class B felony, [a term of years not to exceed thirty years] **any sentence authorized for a class A felony;**

(3) For a class C felony, [a term of years not to exceed twenty years] **any sentence authorized for a class B felony;**

(4) For a class D felony, [a term of years not to exceed ten years] **any sentence authorized for a class C felony.**

8. **An offender convicted of a nonviolent class C or class D felony with no prior prison commitments, after serving one hundred twenty days of his or her sentence, may, in writing, petition the court to serve the remainder of his or her sentence on probation, parole, or other court-approved alternative sentence. No hearing shall be conducted unless the court deems it necessary. Upon the offender petitioning the court, the department of corrections shall submit a report to the sentencing court which evaluates the conduct of the offender while in custody, alternative custodial methods available to the offender, and shall recommend whether the offender be released or remain in custody.**

If the report issued by the department is favorable and recommends probation, parole, or other alternative sentence, the court shall follow the recommendations of the department if the court deems it appropriate. Any placement of an offender pursuant to section 559.115, RSMo, shall be excluded from the provisions of this subsection.

**558.019. PRIOR FELONY CONVICTIONS, MINIMUM PRISON TERMS — PRISON COMMITMENT DEFINED — DANGEROUS FELONY, MINIMUM TERM PRISON TERM, HOW CALCULATED — SENTENCING COMMISSION CREATED, MEMBERS, DUTIES — RECOMMENDED SENTENCES, DISTRIBUTION — REPORT — EXPENSES — COOPERATION WITH COMMISSION — RESTORATIVE JUSTICE METHODS.** — 1. This section shall not be construed to affect the powers of the governor under article IV, section 7, of the Missouri Constitution. This statute shall not affect those provisions of section 565.020, RSMo, section 558.018 or section 571.015, RSMo, which set minimum terms of sentences, or the provisions of section 559.115, RSMo, relating to probation.

2. The provisions of **subsections 2 to 5** of this section shall be applicable to all classes of felonies except those set forth in chapter 195, RSMo, and those otherwise excluded in subsection 1 of this section. For the purposes of this section, "prison commitment" means and is the receipt by the department of corrections of a [defendant] **offender** after sentencing. For purposes of this section, prior prison commitments to the department of corrections shall not include commitment to a regimented discipline program established pursuant to section 217.378, RSMo. Other provisions of the law to the contrary notwithstanding, any [defendant] **offender** who has pleaded guilty to or has been found guilty of a felony other than a dangerous felony as defined in section 556.061, RSMo, and is committed to the department of corrections shall be required to serve the following minimum prison terms:

(1) If the [defendant] **offender** has one previous prison commitment to the department of corrections for a felony offense, the minimum prison term which the [defendant] **offender** must serve shall be forty percent of his **or her** sentence or until the [defendant] **offender** attains seventy years of age, and has served at least [forty] **thirty** percent of the sentence imposed, whichever occurs first;

(2) If the [defendant] **offender** has two previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the [defendant] **offender** must serve shall be fifty percent of his **or her** sentence or until the [defendant] **offender** attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(3) If the [defendant] **offender** has three or more previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the [defendant] **offender** must serve shall be eighty percent of his **or her** sentence or until the [defendant] **offender** attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

3. Other provisions of the law to the contrary notwithstanding, any [defendant] **offender** who has pleaded guilty to or has been found guilty of a dangerous felony as defined in section 556.061, RSMo, and is committed to the department of corrections shall be required to serve a minimum prison term of eighty-five percent of the sentence imposed by the court or until the [defendant] **offender** attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

4. For the purpose of determining the minimum prison term to be served, the following calculations shall apply:

(1) A sentence of life shall be calculated to be thirty years;

(2) Any sentence either alone or in the aggregate with other consecutive sentences for crimes committed at or near the same time which is over seventy-five years shall be calculated to be seventy-five years.

5. For purposes of this section, the term "minimum prison term" shall mean time required to be served by the [defendant] **offender** before he **or she** is eligible for parole, conditional release or other early release by the department of corrections. Except that the board of probation and parole, in the case of consecutive sentences imposed at the same time pursuant to a course of conduct constituting a common scheme or plan, shall be authorized to convert consecutive sentences to concurrent sentences, when the board finds, after hearing with notice to the prosecuting or circuit attorney, that the sum of the terms results in an unreasonably excessive total term, taking into consideration all factors related to the crime or crimes committed and the sentences received by others similarly situated.

6. (1) A sentencing advisory commission is hereby created to consist of eleven members. One member shall be appointed by the speaker of the house. One member shall be appointed by the president pro tem of the senate. One member shall be the director of the department of corrections. Six members shall be appointed by and serve at the pleasure of the governor from among the following: the public defender commission; private citizens; a private member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members shall be appointed by the supreme court, one from a metropolitan area and one from a rural area. **All members shall be appointed to a four-year term.** All members of the sentencing commission appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory commission at the pleasure of the governor.

(2) The commission shall study sentencing practices in the circuit courts throughout the state for the purpose of determining whether and to what extent disparities exist among the various circuit courts with respect to the length of sentences imposed and the use of probation for [defendants] **offenders** convicted of the same or similar crimes and with similar criminal histories. The commission shall also study and examine whether and to what extent sentencing disparity among economic and social classes exists in relation to the sentence of death and if so, the reasons therefor **sentences are comparable to other states, if the length of the sentence is appropriate, and the rate of rehabilitation based on sentence.** It shall compile statistics, examine cases, draw conclusions, and perform other duties relevant to the research and investigation of disparities in death penalty sentencing among economic and social classes.

(3) The commission shall establish a system of recommended sentences, within the statutory minimum and maximum sentences provided by law for each felony committed under the laws of this state. This system of recommended sentences shall be distributed to all sentencing courts within the state of Missouri. The recommended sentence for each crime shall take into account, but not be limited to, the following factors:

- (a) The nature and severity of each offense;
- (b) The record of prior offenses by the offender;
- (c) The data gathered by the commission showing the duration and nature of sentences imposed for each crime; and
- (d) The resources of the department of corrections and other authorities to carry out the punishments that are imposed.

(4) **The commission shall study alternative sentences, prison work programs, work release, home-based incarceration, probation and parole options, and any other programs and report the feasibility of these options in Missouri.**

(5) The commission shall publish and distribute its [system of recommended sentences] **recommendations** on or before July 1, [1995] **2004**. The commission shall study the implementation and use of the [system of recommended sentences] **recommendations** until July 1, [1998] **2005**, and return a [final] report to the governor, the speaker of the house of representatives, and the president pro tem of the senate. Following the July 1, [1998] **2005**, report, the commission [may] **shall** revise the recommended sentences every [three] **two** years.

[(5)] (6) The governor shall select a chairperson who shall call meetings of the commission as required or permitted pursuant to the purpose of the sentencing commission.

[(6)] (7) The members of the commission shall not receive compensation for their duties on the commission, but shall be reimbursed for actual and necessary expenses incurred in the performance of these duties and for which they are not reimbursed by reason of their other paid positions.

[(7)] (8) The circuit and associate circuit courts of this state, the office of the state courts administrator, the department of public safety, and the department of corrections shall cooperate with the commission by providing information or access to information needed by the commission. The office of the state courts administrator will provide needed staffing resources.

7. **Courts shall retain discretion to lower or exceed the sentence recommended by the commission as otherwise allowable by law, and to order restorative justice methods, when applicable.**

8. **If the imposition or execution of a sentence is suspended, the court may order any or all of the following restorative justice methods, or any other method that the court finds just or appropriate:**

- (1) **Restitution to any victim for costs incurred as a result of the offender's actions;**
- (2) **Offender treatment programs;**
- (3) **Mandatory community service;**
- (4) **Work release programs in local facilities; and**
- (5) **Community based residential and nonresidential programs.**

9. The provisions of this section shall apply only to offenses occurring on or after August 28, [1994] **2003**.

**559.026. DETENTION CONDITION OF PROBATION.** — Except in infraction cases, when probation is granted, the court, in addition to conditions imposed [under] **pursuant to** section 559.021, may require as a condition of probation that the [defendant] **offender** submit to a period of detention **up to forty-eight hours after the determination by a probation or parole officer that the offender violated a condition of continued probation or parole** in an appropriate institution at whatever time or intervals within the period of probation, consecutive or nonconsecutive, the court shall designate, **or the board of probation and parole shall direct**. Any person placed on probation in a county of the first class or second class or in any city with a population of five hundred thousand or more and detained as herein provided shall be subject to all provisions of section 221.170, RSMo, even though he was not convicted and sentenced to a jail or workhouse.

(1) In misdemeanor cases, the period of detention under this section shall not exceed the shorter of fifteen days or the maximum term of imprisonment authorized for the misdemeanor by chapter 558, RSMo.

(2) In felony cases, the period of detention under this section shall not exceed one hundred twenty days.

(3) If probation is revoked and a term of imprisonment is served by reason thereof, the time spent in a jail, **half-way house, honor center**, workhouse or other institution as a detention condition of probation shall be credited against the prison or jail term served for the offense in connection with which the detention condition was imposed.

**559.115. APPEALS, PROBATION NOT TO BE GRANTED, WHEN — PROBATION GRANTED AFTER DELIVERY TO DEPARTMENT OF CORRECTIONS, TIME LIMITATION, ASSESSMENT — ONE HUNDRED TWENTY DAY PROGRAM — NOTIFICATION TO STATE, WHEN, HEARING — NO PROBATION IN CERTAIN CASES.** — 1. Neither probation nor parole shall be granted by the circuit court between the time the transcript on appeal from the [defendant's] **offender's** conviction has been filed in appellate court and the disposition of the appeal by such court.

2. **Unless otherwise prohibited by subsection 5 of this section**, a circuit court only upon its own motion and not that of the state or the [defendant] **offender** shall have the power to grant probation to a [defendant] **offender** anytime up to one hundred twenty days after such

[defendant] **offender** has been delivered to [the custody of] the department of corrections but not thereafter. The court may request information and a recommendation from the department concerning the [defendant] **offender** and such [defendant's] **offender's** behavior during the period of incarceration. Except as provided in this section, the court may place the [defendant] **offender** on probation in a program created pursuant to section 217.777, RSMo, or may place the [defendant] **offender** on probation with any other conditions authorized by law.

**3. The court may recommend placement of an offender in a department of corrections one hundred twenty day program. Upon the recommendation of the court, the department of corrections shall determine the offender's eligibility for the program, the nature, intensity, and duration of any offender's participation in a program and the availability of space for an offender in any program. When the court recommends and receives placement of an offender in a department of corrections one hundred twenty day program, the offender shall be released on probation if the department of corrections determines that the offender has successfully completed the program except as follows. Upon successful completion of a treatment program, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. The court shall release the offender unless such release constitutes an abuse of discretion. If the court determined that there is an abuse of discretion, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days of the offender's sentence. If the court does not respond when an offender successfully completes the program, the offender shall be released on probation. Upon successful completion of a shock incarceration program, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. The court shall follow the recommendation of the department unless the court determines that probation is not appropriate. If the court determines that probation is not appropriate, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days of the offender's sentence. If the department determines that an offender is not successful in a program, then after one hundred days of incarceration the circuit court shall receive from the department of corrections a report on the offender's participation in the program and department recommendations for terms and conditions of an offender's probation. The court shall then release the offender on probation or order the offender to remain in the department to serve the sentence imposed.**

**4. If the department of corrections' one hundred twenty day program is full, the court may place the offender in a private program approved by the department of corrections or the court, the expenses of such program to be paid by the offender, or in an available program offered by another organization. If the offender is convicted of a class C or class D nonviolent felony, the court may order probation while awaiting appointment to treatment.**

[3.] **5. Except when the [defendant] offender has been found to be a predatory sexual offender pursuant to section 558.018, RSMo, the court shall request that the [defendant] offender be [place] placed in the sexual offender assessment unit of the department of corrections if the defendant has pleaded guilty to or has been found guilty of sexual abuse when classified as a class B felony.**

[4.] **6. Unless the offender is being granted probation pursuant to successful completion of a one hundred twenty day program the circuit court shall notify the state in writing when the court intends to grant probation to the [defendant] offender pursuant to the provisions of this section. The state may, in writing, request a hearing within ten days of receipt of the court's notification that the court intends to grant probation. Upon the state's request for a hearing, the court shall grant a hearing as soon as reasonably possible. If the state does not**

respond to the court's notice in writing within ten days, the court may proceed upon its own motion to grant probation.

**7. An offender's first incarceration for one hundred twenty days for participation in a department of corrections program prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term under the provisions of section 558.019.**

[5.] **8.** Notwithstanding any other provision of law, probation may not be granted pursuant to this section to [defendants] **offenders** who have been convicted of murder in the second degree pursuant to section 565.021, RSMo; forcible rape pursuant to section 566.030, RSMo; forcible sodomy pursuant to section 566.060, RSMo; statutory rape in the first degree pursuant to section 566.032, RSMo; statutory sodomy in the first degree pursuant to section 566.062, RSMo; child molestation in the first degree pursuant to section 566.067, RSMo, when classified as a class B felony; abuse of a child pursuant to section 568.060, RSMo, when classified as a class A felony; a [defendant] **offender** who has been found to be a predatory sexual offender pursuant to section 558.018, RSMo; or any offense in which there exists a statutory prohibition against either probation or parole.

**565.081. ASSAULT OF A LAW ENFORCEMENT OFFICER OR EMERGENCY PERSONNEL IN THE FIRST DEGREE, DEFINITION, PENALTY.** — 1. A person commits the crime of assault of a law enforcement officer **or emergency personnel** in the first degree if [he] **such person** attempts to kill or knowingly causes or attempts to cause serious physical injury to a law enforcement officer **or emergency personnel**.

**2. As used in this section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), and (17) of section 190.100, RSMo.**

[2.] **3.** Assault of a law enforcement officer **or emergency personnel** in the first degree is a class A felony.

**565.082. ASSAULT OF A LAW ENFORCEMENT OFFICER OR EMERGENCY PERSONNEL IN THE SECOND DEGREE, DEFINITION, PENALTY.** — 1. A person commits the crime of assault of a law enforcement officer **or emergency personnel** in the second degree if [he] **such person**:

(1) [Attempts to cause or] Knowingly causes **or attempts to cause** physical injury to a law enforcement officer **or emergency personnel** by means of a deadly weapon or dangerous instrument;

(2) Recklessly causes serious physical injury to a law enforcement officer[;] **or emergency personnel; or**

(3) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle in this state and when so operating, acts with criminal negligence to cause physical injury to a law enforcement officer **or emergency personnel**.

**2. As used in this section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), and (17) of section 190.100, RSMo.**

[2.] **3.** Assault of a law enforcement officer **or emergency personnel** in the second degree is a class B felony.

**565.083. ASSAULT OF A LAW ENFORCEMENT OFFICER OR EMERGENCY PERSONNEL IN THE THIRD DEGREE, DEFINITION, PENALTY.** — 1. A person commits the crime of assault of a law enforcement officer **or emergency personnel** in the third degree if:

(1) [He] **Such person** attempts to cause or recklessly causes physical injury to a law enforcement officer **or emergency personnel**;

(2) With criminal negligence [he] **such person** causes physical injury to a law enforcement officer **or emergency personnel** by means of a deadly weapon;

(3) [He] **Such person** purposely places a law enforcement officer **or emergency personnel** in apprehension of immediate physical injury;

(4) [He recklessly engages in conduct which] **With criminal negligence such person** creates a grave risk of death or serious physical injury to a law enforcement officer **or emergency personnel**; or

(5) [He] **Such person** knowingly causes or attempts to cause physical contact with a law enforcement officer **or emergency personnel** without the consent of the law enforcement officer **or emergency personnel**.

2. As used in this section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), and (17) of section 190.100, RSMo.

[2.] 3. Assault of a law enforcement officer **or emergency personnel** in the third degree is a class A misdemeanor.

**565.350. TAMPERING WITH A PRESCRIPTION OR A DRUG PRESCRIPTION ORDER, CRIME OF — PENALTY. — 1.** Any pharmacist licensed pursuant to chapter 338, RSMo, commits the crime of tampering with a prescription or a prescription drug order as defined in section 338.095, RSMo, if such person knowingly:

(1) Causes the intentional adulteration of the concentration or chemical structure of a prescribed drug or drug therapy without the knowledge and consent of the prescribing practitioner;

(2) Misrepresents a misbranded, altered, or diluted prescription drug or drug therapy with the purpose of misleading the recipient or the administering person of the prescription drug or drug therapy; or

(3) Sells a misbranded, altered, or diluted prescription drug therapy with the intention of misleading the purchaser.

2. Tampering with a prescription drug order is a class A felony.

**568.045. ENDANGERING THE WELFARE OF A CHILD IN THE FIRST DEGREE, PENALTIES. — 1.** A person commits the crime of endangering the welfare of a child in the first degree if:

(1) The person knowingly acts in a manner that creates a substantial risk to the life, body, or health of a child less than seventeen years old; or

(2) The person knowingly engages in sexual conduct with a person under the age of seventeen years over whom the person is a parent, guardian, or otherwise charged with the care and custody;

(3) The person knowingly encourages, aids or causes a child less than seventeen years of age to engage in any conduct which violates the provisions of chapter 195, RSMo;

(4) Such person enlists the aid, either through payment or coercion, of a person less than seventeen years of age to unlawfully manufacture, compound, produce, prepare, sell, transport, test or analyze amphetamine or methamphetamine or any of their analogues, or to obtain any material used to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues; or

(5) Such person, in the presence of a person less than seventeen years of age, unlawfully manufactures, compounds, produces, prepares, sells, transports, tests or analyzes amphetamine or methamphetamine or any of their analogues.

2. Endangering the welfare of a child in the first degree is a class [D] C felony unless the offense is committed as part of a ritual or ceremony, or except on a second or subsequent offense, in which case the crime is a class [C] B felony.

**570.030. STEALING — PENALTIES. — 1.** A person commits the crime of stealing if he or she appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion.

2. Evidence of the following is admissible in any criminal prosecution pursuant to this section on the issue of the requisite knowledge or belief of the alleged stealer:

(1) That he or she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;

(2) That he or she gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;

(3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;

(4) That he or she surreptitiously removed or attempted to remove his or her baggage from a hotel, inn or boardinghouse;

(5) That he or she, with intent to cheat or defraud a retailer, possesses, uses, utters, transfers, makes, alters, counterfeits, or reproduces a retail sales receipt, price tag, or universal price code label, or possesses with intent to cheat or defraud, the device that manufactures fraudulent receipts or universal price code labels.

3. Notwithstanding any other provision of law, any offense in which the value of property or services is an element is a class C felony if:

(1) The value of the property or services appropriated is five hundred dollars or more but less than twenty-five thousand dollars; or

(2) The actor physically takes the property appropriated from the person of the victim; or

(3) The property appropriated consists of:

(a) Any motor vehicle, watercraft or aircraft; or

(b) Any will or unrecorded deed affecting real property; or

(c) Any credit card or letter of credit; or

(d) Any firearms; or

(e) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or

(f) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or

(g) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or

(h) Any book of registration or list of voters required by chapter 115, RSMo; or

(i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or

(j) Live fish raised for commercial sale with a value of seventy-five dollars; or

(k) Any controlled substance as defined by section 195.010, RSMo; or

(l) Anhydrous ammonia; or

(m) Ammonium nitrate.

4. If an actor appropriates any material with a value less than five hundred dollars in violation of this section with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such violation is a class [D] C felony. The theft of any amount of anhydrous ammonia or liquid nitrogen, or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class [C] B felony. The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.

5. The theft of any item of property or services pursuant to subsection 3 of this section which exceeds five hundred dollars may be considered a separate felony and may be charged in separate counts.

6. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars is guilty of a class B felony.

7. Any offense in which the value of property or services is an element is a class B felony if the value of the property or services equals or exceeds twenty-five thousand dollars.

8. Any violation of this section for which no other penalty is specified in this section is a class A misdemeanor.

**570.040. STEALING, THIRD OFFENSE.** — 1. Every person who has previously pled guilty or been found guilty on two separate occasions of a stealing-related offense where such offenses occurred within ten years of the date of occurrence of the present offense and where the person received and served a sentence of ten days or more on such previous offense and who subsequently pleads guilty or is found guilty of a stealing-related offense is guilty of a class [C] **D** felony and shall be punished accordingly.

2. As used in this section, the term "stealing-related offense" shall include federal and state violations of criminal statutes against stealing or buying or receiving stolen property and shall also include municipal ordinances against same if the defendant was either represented by counsel or knowingly waived counsel in writing and the judge accepting the plea or making the findings was a licensed attorney at the time of the court proceedings.

3. Evidence of prior guilty pleas or findings of guilt shall be heard by the court, out of the hearing of the jury, prior to the submission of the case to the jury, and the court shall determine the existence of the prior guilty pleas or findings of guilt.

**571.030. UNLAWFUL USE OF WEAPONS — EXCEPTIONS — PENALTIES.** — 1. A person commits the crime of unlawful use of weapons if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Possesses or discharges a firearm or projectile weapon while intoxicated; or

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof, or into any public assemblage of persons met for any lawful purpose; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, RSMo, while within any city, town, or village, and discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

2. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of subsection 1 of this section shall not apply to or affect any of the following:

(1) All state, county and municipal law enforcement officers **who have completed the training required by Police Officer Standards and Training Commission pursuant to sections 590.030 to 590.050, RSMo, and** possessing the duty and power of arrest for violation

of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, **whether on duty or off duty, and whether in or outside of the law enforcement agency's jurisdiction**, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the armed forces or national guard while performing their official duty;

(4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole; and

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340, RSMo.

3. Subdivisions (1), (5), (8) and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state.

Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event.

4. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

5. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision (5), (6), (7) or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

6. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

7. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

**589.400. REGISTRATION OF CERTAIN OFFENDERS WITH CHIEF LAW OFFICERS OF COUNTY OF RESIDENCE — TIME LIMITATION — CITIES MAY REQUEST COPY OF REGISTRATION.** — 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty to committing, or attempting to commit, a felony offense of chapter 566, RSMo, or any offense of chapter 566, RSMo, where the victim is a minor; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty to committing, or attempting to commit one or more of the following offenses: kidnapping, pursuant to section 565.110, RSMo; felonious restraint; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; incest; abuse of a child, pursuant to section 568.060, RSMo; use of a child in a sexual performance; or promoting sexual performance by a child; and committed or attempted to commit the offense against a victim who is a minor, defined for the purposes of sections 589.400 to 589.425 as a person under eighteen years of age; or

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

(5) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state or under federal jurisdiction to committing, or attempting to commit, an offense which, if committed in this state, would be a violation of chapter 566, RSMo, or a felony violation of any offense listed in subdivision (2) of this subsection or has been or is required to register in another state or has been or is required to register under federal or military law; or

(6) Any person who has been or is required to register in another state or has been or is required to register under federal or military law and who works or attends school or training on a full-time or on a part-time basis in Missouri. "Part-time" in this subdivision means for more than fourteen days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 apply shall, within ten days of conviction, release from incarceration, or placement upon probation, register with the chief law enforcement official of the county in which such person resides unless such person has already registered in that county for the same offense. Any person to whom sections 589.400 to 589.425 apply if not currently registered in their county of residence shall register with the chief law enforcement official of such county within ten days of August 28, [2002] **2003**. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town [or], village, **or campus** law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town [or], village, **or campus** law enforcement agency, if so requested.

3. The registration requirements of sections 589.400 through 589.425 are lifetime registration requirements unless all offenses requiring registration are reversed, vacated or set aside or unless the registrant is pardoned of the offenses requiring registration.

**589.407. REGISTRATION, REQUIRED INFORMATION.** — Any registration pursuant to sections 589.400 to 589.425 shall consist of completion of an offender registration form developed by the Missouri state highway patrol. Such form shall include, but is not limited to the following:

(1) A statement in writing signed by the person, giving the name, address, Social Security number and phone number of the person, the place of employment of such person, **enrollment within any institutions of higher education**, the crime which requires registration, whether the person was sentenced as a persistent or predatory offender pursuant to section 558.018, RSMo, the date, place, and a brief description of such crime, the date and place of the conviction or plea regarding such crime, the age and gender of the victim at the time of the offense and whether the person successfully completed the Missouri sexual offender program pursuant to section 589.040, if applicable; and

(2) The fingerprints and a photograph of the person.

**589.414. REGISTRANT'S DUTIES ON CHANGE OF ADDRESS — TIME LIMITATIONS FOR CERTAIN NOTIFICATIONS.** — 1. If any person required by sections 589.400 to 589.425 to register changes residence or address within the same county as such person's previous address, the person shall inform the chief law enforcement official in writing within ten days of such new address and phone number, if the phone number is also changed.

2. If any person required by sections 589.400 to 589.425 to register changes such person's residence or address to a different county, the person shall appear in person and shall inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county having jurisdiction over the new residence or address in writing within ten days, of such new address and phone number, if the phone number is also changed. If any person required by sections 589.400 to 589.425 to register changes their state of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement official of the area in the new state having jurisdiction over the new residence or address within ten days of such new address. Whenever a registrant changes residence, the chief law enforcement official of the county where the person was previously registered shall promptly inform the Missouri state highway patrol of the change. When the registrant is changing the residence to a new state, the Missouri state highway patrol shall promptly inform the responsible official in the new state of residence.

**3. Any person required by sections 589.400 to 589.425 to register who changes his or her enrollment or employment status with any institution of higher education within this state, by either beginning or ending such enrollment or employment, shall inform the chief law enforcement officer of such change within seven days after such change is made.**

[3.] **4.** Any person required by sections 589.400 to 589.425 to register who officially changes such person's name shall inform the chief law enforcement officer of such name change within seven days after such change is made.

[4.] **5.** In addition to the requirements of subsections 1 and 2 of this section, the following offenders shall report in person to the county law enforcement agency every ninety days to verify the information contained in their statement made pursuant to section 589.407:

(1) Any offender registered as a predatory or persistent sexual offender under the definitions found in section 558.018, RSMo;

(2) Any offender who is registered for a crime where the victim was less than eighteen years of age at the time of the offense; and

(3) Any offender who has pled guilty or been found guilty pursuant to section 589.425 of failing to register or submitting false information when registering.

[5.] **6.** In addition to the requirements of subsections 1 and 2 of this section, all registrants shall report annually in person in the month of their birth to the county law enforcement agency to verify the information contained in their statement made pursuant to section 589.407.

[6.] **7.** In addition to the requirements of subsections 1 and 2 of this section, all Missouri registrants who work or attend school or training on a full-time or part-time basis in any other state shall be required to report in person to the chief law enforcement officer in the area of the

state where they work or attend school or training and register in that state. Part-time in this subsection means for more than fourteen days in any twelve-month period.

**595.209. RIGHTS OF VICTIMS AND WITNESSES — WRITTEN NOTIFICATION, REQUIREMENTS.** — 1. The following rights shall automatically be afforded to victims of dangerous felonies, as defined in section 556.061, RSMo, victims of murder in the first degree, as defined in section 565.020, RSMo, victims of voluntary manslaughter, as defined in section 565.023, RSMo, and victims of an attempt to commit one of the preceding crimes, as defined in section 564.011, RSMo; and, upon written request, the following rights shall be afforded to victims of all other crimes and witnesses of crimes:

(1) For victims, the right to be present at all criminal justice proceedings at which the defendant has such right, including juvenile proceedings where the offense would have been a felony if committed by an adult, **even if the victim is called to testify or may be called to testify as a witness in the case;**

(2) For victims, the right to information about the crime, as provided for in subdivision (5) of this subsection;

(3) For victims and witnesses, to be informed, in a timely manner, by the prosecutor's office of the filing of charges, preliminary hearing dates, trial dates, continuances and the final disposition of the case. Final disposition information shall be provided within five days;

(4) For victims, the right to confer with and to be informed by the prosecutor regarding bail hearings, guilty pleas, pleas under chapter 552, RSMo, or its successors, hearings, sentencing and probation revocation hearings and the right to be heard at such hearings, including juvenile proceedings, unless in the determination of the court the interests of justice require otherwise;

(5) The right to be informed by local law enforcement agencies, the appropriate juvenile authorities or the custodial authority of the following:

(a) The status of any case concerning a crime against the victim, including juvenile offenses;

(b) The right to be informed by local law enforcement agencies or the appropriate juvenile authorities, of the availability of victim compensation assistance, assistance in obtaining documentation of the victim's losses, including, but not limited to and subject to existing law concerning protected information or closed records, access to copies of complete, unaltered, unedited investigation reports of motor vehicle, pedestrian, and other similar accidents upon request to the appropriate law enforcement agency by the victim or the victim's representative, and emergency crisis intervention services available in the community;

(c) Any release of such person on bond or for any other reason;

(d) Within twenty-four hours, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent recapture of such person;

(6) For victims, the right to be informed by appropriate juvenile authorities of probation revocation hearings initiated by the juvenile authority and the right to be heard at such hearings or to offer a written statement, video or audio tape in lieu of a personal appearance, the right to be informed by the board of probation and parole of probation revocation hearings initiated by the board and of parole hearings, the right to be present at each and every phase of parole hearings and the right to be heard at probation revocation and parole hearings or to offer a written statement, video or audio tape in lieu of a personal appearance, and the right to be informed by the custodial mental health facility or agency thereof of any hearings for the release of a person committed pursuant to the provisions of chapter 552, RSMo, the right to be present at such hearings, the right to be heard at such hearings or to offer a written statement, video or audio tape in lieu of personal appearance;

(7) For victims and witnesses, upon their written request, the right to be informed by the appropriate custodial authority, including any municipal detention facility, juvenile detention

facility, county jail, correctional facility operated by the department of corrections, mental health facility, division of youth services or agency thereof if the offense would have been a felony if committed by an adult, postconviction or commitment pursuant to the provisions of chapter 552, RSMo, of the following:

- (a) The projected date of such person's release from confinement;
- (b) Any release of such person on bond;
- (c) Any release of such person on furlough, work release, trial release, electronic monitoring program, or to a community correctional facility or program or release for any other reason, in advance of such release;
- (d) Any scheduled parole or release hearings regarding such person and any changes in the scheduling of such hearings. No such hearing shall be conducted without thirty days' advance notice;
- (e) Within twenty-four hours, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent recapture of such person;
- (f) Any decision by a parole board, juvenile releasing authority or circuit court presiding over releases pursuant to the provisions of chapter 552, RSMo, to release such person or any decision by the governor to commute the sentence of such person or pardon such person;
- (g) Notification within thirty days of the death of such person;
- (8) For witnesses who have been summoned by the prosecuting attorney and for victims, to be notified by the prosecuting attorney in a timely manner when a court proceeding will not go on as scheduled;
- (9) For victims and witnesses, the right to reasonable protection from the defendant or any person acting on behalf of the defendant from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts;
- (10) For victims and witnesses, on charged cases or submitted cases where no charge decision has yet been made, to be informed by the prosecuting attorney of the status of the case and of the availability of victim compensation assistance and of financial assistance and emergency and crisis intervention services available within the community and information relative to applying for such assistance or services, and of any final decision by the prosecuting attorney not to file charges;
- (11) For victims, to be informed by the prosecuting attorney of the right to restitution which shall be enforceable in the same manner as any other cause of action as otherwise provided by law;
- (12) For victims and witnesses, to be informed by the court and the prosecuting attorney of procedures to be followed in order to apply for and receive any witness fee to which they are entitled;
- (13) When a victim's property is no longer needed for evidentiary reasons or needs to be retained pending an appeal, the prosecuting attorney or any law enforcement agency having possession of the property shall, upon request of the victim, return such property to the victim within five working days unless the property is contraband or subject to forfeiture proceedings, or provide written explanation of the reason why such property shall not be returned;
- (14) An employer may not discharge or discipline any witness, victim or member of a victim's immediate family for honoring a subpoena to testify in a criminal proceeding or for participating in the preparation of a criminal proceeding;
- (15) For victims, to be provided with creditor intercession services by the prosecuting attorney if the victim is unable, as a result of the crime, temporarily to meet financial obligations;
- (16) For victims and witnesses, the right to speedy disposition of their cases, and for victims, the right to speedy appellate review of their cases, provided that nothing in this subdivision shall prevent the defendant from having sufficient time to prepare such defendant's defense. The attorney general shall provide victims, upon their written request, case status

information throughout the appellate process of their cases. The provisions of this subdivision shall apply only to proceedings involving the particular case to which the person is a victim or witness;

(17) For victims and witnesses, to be provided by the court, a secure waiting area during court proceedings and to receive notification of the date, time and location of any hearing conducted by the court for reconsideration of any sentence imposed, modification of such sentence or recall and release of any defendant from incarceration.

2. The provisions of subsection 1 of this section shall not be construed to imply any victim who is incarcerated by the department of corrections or any local law enforcement agency has a right to be released to attend any hearing or that the department of corrections or the local law enforcement agency has any duty to transport such incarcerated victim to any hearing.

3. Those persons entitled to notice of events pursuant to the provisions of subsection 1 of this section shall provide the appropriate person or agency with their current addresses and telephone numbers or the addresses or telephone numbers at which they wish notification to be given.

4. Notification by the appropriate person or agency by certified mail to the most current address provided by the victim shall constitute compliance with the victim notification requirement of this section.

5. Victims' rights as established in section 32 of article I of the Missouri Constitution or the laws of this state pertaining to the rights of victims of crime shall be granted and enforced regardless of the desires of a defendant and no privileges of confidentiality shall exist in favor of the defendant to exclude victims or prevent their full participation in each and every phase of parole hearings or probation revocation hearings. The rights of the victims granted in this section are absolute and the policy of this state is that the victim's rights are paramount to the defendant's rights. The victim has an absolute right to be present at any hearing in which the defendant is present before a probation and parole hearing officer.

**SECTION B. EMERGENCY CLAUSE.** — Because of the need to relieve the overcrowding in the prisons of this state, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved June 27, 2003

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## SB 11 [CCS#2 HS HCS SCS SB 11]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### **Makes various modifications to taxation.**

AN ACT to repeal sections 34.070, 34.073, 99.820, 137.100, 143.121, 143.181, 144.030, 144.615, and 260.830, RSMo, and to enact in lieu thereof thirteen new sections relating to taxation, with a termination date for a certain section.

#### SECTION

- A. Enacting clause.
  - 21.810. Joint committee on tax policy established, members, appointment, duties.
  - 34.070. Preference to Missouri products and firms.
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- 34.073. Missouri businesses, performance of jobs or services, preference, when.
- 71.611. Certain villages prohibited from imposing a license tax in excess of \$10,000 per license.
- 99.820. Municipalities' powers and duties — commission appointment and powers — public disclosure requirements — officials' conflict of interest, prohibited.
- 137.100. Certain property exempt from taxes.
- 143.121. Missouri adjusted gross income.
- 143.181. Missouri nonresident adjusted gross income.
- 144.030. Exemptions from state and local sales and use taxes.
- 144.049. Sales tax holiday for clothing, personal computers, and school supplies, when — expiration date.
- 144.615. Exemptions.
- 144.817. Sales tax exemption for certain property donated to the state within one year of purchase.
- 260.830. Landfill fee authorized, counties of third and fourth classification — approval, ballot, limitation.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 34.070, 34.073, 99.820, 137.100, 143.121, 143.181, 144.030, 144.615, and 260.830, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 21.810, 34.070, 34.073, 71.611, 99.820, 137.100, 143.121, 143.181, 144.030, 144.049, 144.615, 144.817, and 260.830, to read as follows:

**21.810. JOINT COMMITTEE ON TAX POLICY ESTABLISHED, MEMBERS, APPOINTMENT, DUTIES.** — **1.** There is established a permanent joint committee of the general assembly to be known as the "Joint Committee on Tax Policy" which shall be composed of five members of the senate, appointed by the president pro tem of the senate, and five members of the house of representatives, appointed by the speaker of the house of representatives. A majority of the members of the committee shall constitute a quorum. The members shall annually select one of the members to be the chair and one of the members to be the vice chair. The speaker of the house of representatives and the president pro tem of the senate shall appoint the respective majority members. The minority leader of the house and the minority leader of the senate shall appoint the respective minority members. The members shall receive no additional compensation, but shall be reimbursed for actual and necessary expenses incurred by them in the performance of their duties. No major party shall be represented on the committee by more than three members from the senate nor by more than three members from the house. The committee is authorized to meet and act year round and to employ the necessary personnel within the limits of appropriations. The staff of the committee on legislative research, house research, and senate research shall provide necessary clerical, research, fiscal, and legal services to the committee, as the committee may request.

**2.** It shall be the duty of the committee:

**(1)** To make a continuing study and analysis of the current and proposed tax policy of this state as it relates to:

- (a)** Fairness and equity;
- (b)** True economic impact;
- (c)** Burden on individuals and businesses;
- (d)** Effectiveness of tax expenditures;
- (e)** Impact on political subdivisions of this state;
- (f)** Agreements and contracts with the federal government, other states and territories, political subdivisions, and private entities relating to the collection and administration of state and local taxes and fees;
- (g)** Compliance with the state and United States Constitution and federal and international law; and
- (h)** The effects of interstate commerce;

**(2)** To make a continuing study and review of the department of revenue, the department of economic development, the state tax commission, and any other state

agency, commission, or state executive office responsible for the administration of tax policies;

(3) To study the effects of the coupling or decoupling with the federal income tax code as it relates to the state income tax;

(4) To make recommendations, as and when the committee deems fit, to the general assembly for legislative action or to report findings and to the departments, commissions, and offices for administrative or procedural changes; and

(5) To study the effects of a sales tax holiday.

3. All state departments, commissions, and offices responsible for the administration of tax policies shall cooperate with and assist the committee in the performance of its duties and shall make available all books, records and information requested, except individually identifiable information regarding a specific taxpayer. The committee may also consult with public and private universities and academies, public and private organizations, and private citizens in the performance of its duties. The committee may contract with public and private entities, within the limits of appropriation, for analysis and study of current or proposed changes to state and local tax policy. The committee shall have the power to subpoena witnesses, take testimony under oath, compel the attendance of witnesses, the giving of testimony and the production of records.

**34.070. PREFERENCE TO MISSOURI PRODUCTS AND FIRMS.** — In making purchases, the commissioner of administration shall give preference to all commodities **and tangible personal property** manufactured, mined, produced or grown within the state of Missouri and to all firms, corporations or individuals doing business as Missouri firms, corporations or individuals, when quality is equal or better and delivered price is the same or less. **The commissioner of administration may also give such preference whenever competing bids, in their entirety, are comparable.**

**34.073. MISSOURI BUSINESSES, PERFORMANCE OF JOBS OR SERVICES, PREFERENCE, WHEN.** — 1. In letting contracts for the performance of any job or service, all agencies, departments, institutions, and other entities of this state and of each political subdivision of this state shall give preference to all firms, corporations, or individuals doing business as Missouri firms, corporations, or individuals, or which maintain Missouri offices or places of business, when the quality of performance promised is equal or better and the price quoted is the same or less. **The commissioner of administration may also give such preference whenever competing bids, in their entirety, are comparable.**

2. Notwithstanding the requirements of subsection 1 of this section, the commissioner of administration shall give further preference as required by section 34.076.

**71.611. CERTAIN VILLAGES PROHIBITED FROM IMPOSING A LICENSE TAX IN EXCESS OF \$10,000 PER LICENSE.** — **Notwithstanding any other provision of law to the contrary, after March 31, 2004, no village with less than one thousand three hundred inhabitants shall impose a license tax in excess of ten thousand dollars per license.**

**99.820. MUNICIPALITIES' POWERS AND DUTIES — COMMISSION APPOINTMENT AND POWERS — PUBLIC DISCLOSURE REQUIREMENTS — OFFICIALS' CONFLICT OF INTEREST, PROHIBITED.** — 1. A municipality may:

(1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment

project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefited by the proposed redevelopment project improvements;

(2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;

(3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or, **as part of a redevelopment project**, eminent domain, own, convey, lease, mortgage, or dispose of, land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

(4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;

(5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;

(6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;

(7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;

(8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;

(9) Acquire and construct public facilities within a redevelopment area;

(10) Incur redevelopment costs and issue obligations;

(11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;

(12) Disburse surplus funds from the special allocation fund to taxing districts as follows:

(a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within the redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment area;

(b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;

(c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;

(13) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, **which property is designated to be acquired or improved**

**pursuant to a redevelopment project**, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;

(14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of nine persons if the municipality is a county or a city not within a county and not a first class county with a charter form of government with a population in excess of nine hundred thousand, and eleven persons if the municipality is not a county and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand, to be appointed as follows:

(1) In all municipalities two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) In all municipalities one member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality;

(3) In all municipalities six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality;

(4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine hundred thousand, two members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(5) In a municipality which is a county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(7) At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area, is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing

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districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

3. The commission, subject to approval of the governing body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830. The commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of, or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991.

**137.100. CERTAIN PROPERTY EXEMPT FROM TAXES.** — The following subjects are exempt from taxation for state, county or local purposes:

- (1) Lands and other property belonging to this state;
- (2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;
- (3) Nonprofit cemeteries;
- (4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, including not-for-profit agribusiness associations;
- (5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;
- (6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place; **and**
- (7) **Motor vehicles leased for a period of at least one year to this state or to any city, county, or political subdivision.**

**143.121. MISSOURI ADJUSTED GROSS INCOME.** — 1. The Missouri adjusted gross income of a resident individual shall be [his] **the taxpayer's** federal adjusted gross income subject to the modifications in this section.

2. There shall be added to [his] **the taxpayer's** federal adjusted gross income:

(a) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(b) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (a) of subsection 3 of this section. The amount added [under] **pursuant to** this paragraph shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(c) The amount of any deduction that is included in the computation of federal taxable income [under] **pursuant to** Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible [under] **pursuant to** Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002; and

(d) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as amended, [except for any deduction] **other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as amended**, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period [not to exceed] **of more than** twenty years and carries backward for [not] more than two years. **Any amount of net operating loss taken against federal income taxes but disallowed against Missouri income taxes pursuant to this paragraph since July 1, 2002, may be carried forward and taken against any loss on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss.**

3. There shall be subtracted from [his] **the taxpayer's** federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(a) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes [under] **pursuant to** the laws of the United States. The amount subtracted [under] **pursuant to** this paragraph shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this paragraph. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining [his] **the taxpayer's** federal adjusted gross income or included in [his] **the taxpayer's** Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(b) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(c) The amount necessary to prevent the taxation [under sections 143.011 to 143.996] **pursuant to chapter 143** of any annuity or other amount of income or gain which was properly included in income or gain and was taxed [under] **pursuant to** the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(e) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(f) The portion of capital gain specified in [subsection 3 of section 144.747] **section 135.357**, RSMo, that would otherwise be included in federal adjusted gross income; and

(g) The amount that would have been deducted in the computation of federal taxable income [under] **pursuant to** Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted [under] **pursuant to** Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002.

4. There shall be added to or subtracted from [his] **the taxpayer's** federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from [his] **the taxpayer's** federal adjusted gross income the modifications provided in section 143.411.

**143.181. MISSOURI NONRESIDENT ADJUSTED GROSS INCOME.** — 1. The Missouri nonresident adjusted gross income shall be that part of the nonresident individual's federal adjusted gross income derived from sources within Missouri, as modified in the same manner as set forth in section 143.121 with respect to resident individuals. It shall be the sum of:

(1) The net amount of items of income, gain, loss, and deduction entering into his **or her** federal adjusted gross income which are derived from or connected with sources in this state including

(a) [His] **The individual's** distributive share of partnership income and deductions determined under section 143.421, and

(b) [His] **The individual's** share of estate or trust income and deductions determined under section 143.391, and

(c) [His] **The individual's** pro rata share of S corporation income and deductions determined under subsection 3 of section 143.471; and

(2) The portion of the modifications described in section 143.121 which relate to income derived from sources in this state, including any modifications attributable to him **or her** as a partner.

2. Items of income, gain, loss, and deduction derived from or connected with sources within this state are those items attributable to:

(1) The ownership or disposition of any interest in real or tangible personal property in this state; [and]

(2) A business, trade, profession, or occupation carried on in this state;

(3) **Winnings from a wager placed in a lottery conducted by the state lottery commission, if the proceeds from such wager are required, pursuant to the Internal Revenue Code of 1986, as amended, or regulations adopted thereunder, to be reported by the state lottery commission to the Internal Revenue Service; and**

(4) **Winnings from any other wager placed in this state or from any wagering transaction, gaming activity, or gambling activity in this state, if the proceeds from such wager, wagering transaction, gaming activity, or gambling activity are required, pursuant to the Internal Revenue Code of 1986, as amended, or regulations adopted thereunder, to be reported by the payer to the Internal Revenue Service.**

3. Income from intangible personal property, including annuities, dividends, interest, and gains from the disposition of intangible personal property, shall constitute income derived from sources within this state only to the extent that such income is from:

(1) Property employed in a business, trade, profession, or occupation carried on in this state;

(2) **Winnings from a wager placed in a lottery conducted by the state lottery commission, if the proceeds from such wager are required, pursuant to the Internal**

Revenue Code of 1986, as amended, or regulations adopted thereunder, to be reported by the state lottery commission to the Internal Revenue Service; and

(3) Winnings from any other wager placed in this state or from any wagering transaction, gaming activity, or gambling activity in this state, if the proceeds from such wager, wagering transaction, gaming activity, or gambling activity are required, pursuant to the Internal Revenue Code of 1986, as amended, or regulations adopted thereunder, to be reported by the payer to the Internal Revenue Service.

4. Deductions with respect to capital losses, net long-term capital gains, and net operation losses shall be based solely on income, gains, losses, and deductions derived from sources within this state in the same manner as the corresponding federal deductions under regulations to be prescribed by the director of revenue.

5. If a business, trade, profession, or occupation is carried on partly within and partly without this state, the items of income and deduction derived from or connected with sources within this state shall be determined by apportionment and allocation under regulations to be prescribed by the director of revenue.

6. Compensation paid by the United States for service in the armed forces of the United States performed by a nonresident shall not constitute income derived from sources within this state.

**144.030. EXEMPTIONS FROM STATE AND LOCAL SALES AND USE TAXES.** — 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.584, RSMo; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation, slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting

with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility which converts recovered materials into a new product, or a different form which is used in producing a new product, and shall include a facility or equipment which is used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms "motor vehicle" and "highway" shall have the same meaning pursuant to section 301.010, RSMo;

(5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes;

(8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, RSMo, solely in the transportation of persons or property in interstate commerce;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200, RSMo. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the air conservation commission which may uphold or reverse such action;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the Missouri clean water commission which may uphold or reverse such action;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, solely in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted

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by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530, RSMo;

(22) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, **natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, RSMo**, and all sales of farm machinery **and equipment**, other than airplanes, motor vehicles and trailers. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery **and equipment**" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon, **and supplies** and lubricants used exclusively [for such farm machinery and equipment], **solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail** and one-half of each purchaser's purchase of diesel fuel therefor which is:

- (a) Used exclusively for agricultural purposes;
- (b) Used on land owned or leased for the purpose of producing farm products; and
- (c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use;

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making

nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(31) Electrical energy or gas, whether natural, artificial or propane, which is ultimately consumed in connection with the manufacturing of cellular glass products;

(32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(33) Tangible personal property purchased for use or consumption directly or exclusively in the research and development of prescription pharmaceuticals consumed by humans or animals;

(34) All sales of grain bins for storage of grain for resale;

(35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity

to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(37) Tangible personal property purchased for use or consumption directly or exclusively in research or experimentation activities performed by life science companies and so certified as such by the director of the department of economic development or the director's designees; except that, the total amount of exemptions certified pursuant to this section shall not exceed one million three hundred thousand dollars in state and local taxes per fiscal year. For purposes of this subdivision, the term "life science companies" means companies whose primary research activities are in agriculture, pharmaceuticals, biomedical or food ingredients, and whose North American Industry Classification System (NAICS) Codes fall under industry 541710 (biotech research or development laboratories), 621511 (medical laboratories) or 541940 (veterinary services). The exemption provided by this subdivision shall expire on June 30, 2003.

**144.049. SALES TAX HOLIDAY FOR CLOTHING, PERSONAL COMPUTERS, AND SCHOOL SUPPLIES, WHEN — EXPIRATION DATE. — 1. For purposes of this section, the following terms mean:**

(1) "Clothing", any article of wearing apparel, including footwear, intended to be worn on or about the human body. The term shall include but not be limited to cloth and other material used to make school uniforms or other school clothing. Items normally sold in pairs shall not be separated to qualify for the exemption. The term shall not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, or belt buckles; and

(2) "Personal computers", a laptop, desktop, or tower computer system which consists of a central processing unit, random access memory, a storage drive, a display monitor, and a keyboard and devices designed for use in conjunction with a personal computer, such as a disk drive, memory module, compact disk drive, daughterboard, digitalizer, microphone, modem, motherboard, mouse, multimedia speaker, printer, scanner, single-user hardware, single-user operating system, soundcard, or video card;

(3) "School supplies", any item normally used by students in a standard classroom for educational purposes, including but not limited to, textbooks, notebooks, paper, writing instruments, crayons, art supplies, rulers, book bags, back packs, handheld calculators, chalk, maps, and globes. The term shall not include watches, radios, CD players, headphones, sporting equipment, portable or desktop telephones, copiers or other office equipment, furniture, or fixtures. School supplies shall also include computer software having a taxable value of two hundred dollars or less.

2. There is hereby specifically exempted from state sales tax law all retail sales of any article of clothing having a taxable value of one hundred dollars or less, all retail sales of school supplies not to exceed fifty dollars per purchase, all computer software with a taxable value of two hundred dollars or less, and all retail sales of personal computers or computer peripheral devices not to exceed two thousand dollars, during a three-day period beginning at 12:01 a.m. on the second Friday in August and ending at midnight on the Sunday following.

3. Beginning on the effective date of this act, the governing body of any political subdivision may adopt an ordinance to prohibit the provisions of this section from exempting sales that occur within the political subdivision from being subject to the local sales taxes applicable to sales within the political subdivision. Upon adoption of such an ordinance, the governing body of the political subdivision shall provide written notice to the department of revenue of the substance of the ordinance. In the event such notification is not received by the department of revenue prior to the second Friday in July in any given year, the ordinance shall not go into effect prior to the year the notice is received.

4. This section shall not apply to any sales which take place within the Missouri state fairgrounds.

5. The provisions of this section shall expire July 1, 2005.

**144.615. EXEMPTIONS.** — There are specifically exempted from the taxes levied in sections 144.600 to 144.745:

(1) Property, the storage, use or consumption of which this state is prohibited from taxing [under] **pursuant to** the constitution or laws of the United States or of this state;

(2) Property, the gross receipts from the sale of which are required to be included in the measure of the tax imposed [under] **pursuant to** the Missouri sales tax law;

(3) Tangible personal property, the sale of which, if made in this state, would be exempt from or not subject to the Missouri sales tax [under] **pursuant to** the provisions of subsections 2 and 3 of section 144.030;

(4) Motor vehicles, trailers, boats, and outboard motors subject to the tax imposed by section 144.440;

(5) Tangible personal property which has been subjected to a tax by any other state in this respect to its sales or use; provided, if such tax is less than the tax imposed by sections 144.600 to 144.745, such property, if otherwise taxable, shall be subject to a tax equal to the difference between such tax and the tax imposed by sections 144.600 to 144.745;

(6) Tangible personal property held by processors, retailers, importers, manufacturers, wholesalers, or jobbers solely for resale in the regular course of business;

(7) Personal and household effects and farm machinery used while an individual was a bona fide resident of another state and who thereafter became a resident of this state, or tangible personal property brought into the state by a nonresident for his own storage, use or consumption while temporarily within the state.

**144.817. SALES TAX EXEMPTION FOR CERTAIN PROPERTY DONATED TO THE STATE WITHIN ONE YEAR OF PURCHASE.** — In addition to the exemptions granted pursuant to the provisions of section 144.030, there shall also be specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745, and from the computation of the tax levied, assessed, or payable pursuant to the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.761, purchases of any item of tangible personal property which is, within one year of such purchase, donated without charge to the state of Missouri. The exemption prescribed in this section includes purchases of all items of tangible personal property converted into an item donated as a gift to the state of Missouri.

**260.830. LANDFILL FEE AUTHORIZED, COUNTIES OF THIRD AND FOURTH CLASSIFICATION — APPROVAL, BALLOT, LIMITATION.** — 1. Any county of the third classification or any county of the fourth classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants may, by a majority vote of its governing body, impose a landfill fee pursuant to sections 260.830 and 260.831, for the benefit

of the county. No order or ordinance enacted pursuant to the authority granted by this section shall be effective unless the governing body of the county submits to the qualified voters of the county, at a public election, a proposal to authorize the governing body of the county to impose a fee under the provisions of this section. The ballot of submission shall be in substantially the following form:

Shall the county of ..... (insert name of county) impose a landfill fee of .....  
(insert amount of fee per ton or volumetric equivalent of solid waste)?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the order or ordinance and any amendments thereto shall become effective on the first day of the calendar quarter immediately after such election results are certified. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the fee authorized by this section unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose such fee, and the proposal is approved by a majority of the qualified voters voting thereon. If an economic development authority does not exist in a county at the time that a landfill fee is adopted by such county under this section, then the governing body of such county shall establish an economic development authority in the county.

2. The landfill fee authorized by such an election may not exceed one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted, which charge may be in addition to any such fee currently imposed pursuant to the provisions of section 260.330.

Approved July 10, 2003

## SB 12 [HCS SB 12]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### **Enacts the Religious Freedom Restoration Act.**

AN ACT to amend chapter 1, RSMo, by adding thereto two new sections relating to prohibition of interference with the free exercise of religion.

#### SECTION

- A. Enacting clause.
- 1.302. Religious freedom restoration act.
- 1.307. Laws not to eliminate defense to a civil action or criminal prosecution based on federal, state or local civil rights — relevant circumstances defined.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 1, RSMo, is amended by adding thereto two new sections, to be known as sections 1.302 and 1.307, to read as follows:

**1.302. RELIGIOUS FREEDOM RESTORATION ACT. — 1. A governmental authority may not restrict a person's free exercise of religion, unless:**

**(1) The restriction is in the form of a rule of general applicability, and does not discriminate against religion, or among religions; and**

(2) The governmental authority demonstrates that application of the restriction to the person is essential to further a compelling governmental interest, and is not unduly restrictive considering the relevant circumstances.

2. As used in this section, "exercise of religion" shall be defined as an act or refusal to act that is substantially motivated by religious belief, whether or not the religious exercise is compulsory or central to a larger system of religious belief.

3. As used in this section "demonstrates" means meets the burden of going forward with the evidence and of persuasion.

**1.307. LAWS NOT TO ELIMINATE DEFENSE TO A CIVIL ACTION OR CRIMINAL PROSECUTION BASED ON FEDERAL, STATE OR LOCAL CIVIL RIGHTS — RELEVANT CIRCUMSTANCES DEFINED.** — 1. Sections 1.302 to 1.307 apply to all state and local laws, resolutions and ordinances and the implementation of such laws, resolutions, and ordinances, whether statutory or otherwise, and whether adopted before or after the effective date of sections 1.302 to 1.307.

2. Nothing in sections 1.302 to 1.307 shall be construed to authorize any government to burden any religious belief, except that nothing in these sections shall be construed to establish or eliminate a defense to a civil action or criminal prosecution based on a federal, state, or local civil rights law.

3. Nothing in sections 1.302 to 1.307 shall be construed as allowing any person to cause physical injury to another person, to possess a weapon otherwise prohibited by law, to fail to provide monetary support for a child or to fail to provide health care for a child suffering from a life threatening condition.

4. "Relevant circumstances" may include legitimate penological interests needed to protect the safety and security of incarcerated persons and correctional facilities, but shall not include reasonable requests by incarcerated individuals for the opportunity to pray, reasonable access to clergy, use of religious materials that are not violent or profane, and reasonable dietary requests.

Approved July 9, 2003

## SB 14 [SB 14]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Revises maximum allowable salary for certain Kansas City police officers.**

AN ACT to repeal section 84.510, RSMo, relating to certain police officers, and to enact in lieu thereof one new section relating to the same subject.

### SECTION

A. Enacting clause.

84.510. Police officers and officials — appointment — compensation (Kansas City).

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 84.510, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 84.510, to read as follows:

**84.510. POLICE OFFICERS AND OFFICIALS — APPOINTMENT — COMPENSATION (KANSAS CITY).** — 1. For the purpose of operation of the police department herein created, the chief of police, with the approval of the board, shall appoint such number of police department employees, including police officers and civilian employees as the chief of police from time to time deems necessary.

2. The base annual compensation of police officers shall be as follows for the several ranks:

(1) Lieutenant colonels, not to exceed five in number, at not less than seventy-one thousand nine hundred sixty-nine dollars, nor more than [ninety-nine thousand six hundred sixty] **one hundred six thousand seven hundred sixty-four** dollars per annum each;

(2) Majors at not less than sixty-four thousand six hundred seventy-one dollars, nor more than [eighty-five thousand eight hundred forty-eight] **ninety-seven thousand four hundred four** dollars per annum each;

(3) Captains at not less than fifty-nine thousand five hundred thirty-nine dollars, nor more than [eighty-one thousand seven hundred forty-four] **eighty-eight thousand eight hundred sixty** dollars per annum each;

(4) Sergeants at not less than forty-eight thousand six hundred fifty-nine dollars, nor more than [sixty-six thousand nine hundred seventy-two] **seventy-one thousand seven hundred forty-eight** dollars per annum each;

(5) Detectives and police officers at not less than twenty-six thousand six hundred forty-three dollars, nor more than [fifty-nine thousand four hundred twelve] **sixty-three thousand six hundred forty-eight** dollars per annum each.

3. The board of police commissioners has the authority by resolution to effect a comprehensive pay schedule program to provide for step increases with separate pay rates within each rank, in the above-specified salary ranges from police officers through chief of police.

4. Officers assigned to wear civilian clothes in the performance of their regular duties may receive an additional seventy-five dollars per month clothing allowance. Uniformed officers may receive fifty dollars per month uniform maintenance allowance.

5. The chief of police, subject to the approval of the board, shall establish the total regular working hours for all police department employees, and the board has the power, upon recommendation of the chief, to pay additional compensation for all hours of service rendered in excess of the established regular working period, but the rate of overtime compensation shall not exceed one and one-half times the regular hourly rate of pay to which each member shall normally be entitled. No credit shall be given nor deductions made from payments for overtime for the purpose of retirement benefits.

6. The board of police commissioners, by majority affirmative vote, including the mayor, has the authority by resolution to authorize incentive pay in addition to the base compensation of police officers and detectives below the rank of sergeant as provided for in subsection 2 of this section, to be paid officers who they determine are assigned duties which require an extraordinary degree of skill, technical knowledge and ability, or which are highly demanding or unusual. No credit shall be given nor deductions made from these payments for the purpose of retirement benefits.

7. The board of police commissioners may effect programs to provide additional compensation for successful completion of academic work at an accredited college or university. No credit shall be given nor deductions made from these payments for the purpose of retirement benefits.

8. The additional pay increments provided in subsections 6 and 7 of this section shall not be considered a part of the base compensation of police officers and shall not exceed five percent of what the officer would otherwise be entitled to pursuant to subsections 2 and 3 of this section.

9. Not more than twenty-five percent of the officers in any rank below the rank of sergeant who are receiving the maximum rate of pay authorized by subsections 2 and 3 of this section may receive the additional pay increments authorized by subsections 6 and 7 of this section at any given time. However, any officer receiving a pay increment provided pursuant to the

provisions of subsections 6 and 7 of this section shall not be deprived of such pay increment as a result of the limitations of this subsection.

Approved May 8, 2003

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**SB 16 [HCS SCS SB 16]**

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Allows first class counties to retain a larger percentage of a portion of the assessed valuation.**

AN ACT to repeal section 137.721, RSMo, and to enact in lieu thereof one new section relating to the percentage of ad valorem property tax collections to be deposited in county assessment funds.

**SECTION**

A. Enacting clause.

137.721. Percentage of ad valorem property tax collections to be deposited in county assessment fund (certain first class counties).

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 137.721, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 137.721, to read as follows:

**137.721. PERCENTAGE OF AD VALOREM PROPERTY TAX COLLECTIONS TO BE DEPOSITED IN COUNTY ASSESSMENT FUND (CERTAIN FIRST CLASS COUNTIES).** — Notwithstanding the provisions of section 137.720, in all counties which become counties of the first classification after September 1, [2000] **1998**, one percent of all ad valorem taxes allocable to the county and each taxing authority within the county shall continue to be deducted from taxes collected on the first five hundred million dollars of assessed valuation, and one-half percent collected on the remainder, and deposited in the assessment fund. The one-percent fee shall be assigned among the political subdivisions by the assessor, who shall determine the percentage of total valuation in the county divided into five hundred million dollars. The collector shall retain one percent of that percentage of each political subdivision's property taxes, and one-half percent of the remainder, for the assessment fund.

Approved July 1, 2003

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**SB 30 [HCS SS SCS SB 30]**

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Creates the Amber Alert System.**

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AN ACT to repeal section 43.400, RSMo, and to enact in lieu thereof three new sections relating to missing persons, with penalty provisions.

SECTION

- A. Enacting clause.
- 43.400. Definitions.
- 210.1012. Amber alert system created — department to develop system regions — false report, penalty.
- 210.1014. Amber alert system oversight committee created, duties, members, compensation — rulemaking authority.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 43.400, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as section 43.400, 210.1012, and 210.1014, to read as follows:

**43.400. DEFINITIONS.** — As used in sections 43.400 to 43.410, the following terms mean:

(1) "Missing child" or "missing juvenile", any person who is under the age of seventeen years, whose temporary or permanent residence is in the state of Missouri or who is believed to be within the state of Missouri, whose location has not been determined, and who has been reported as missing to a law enforcement agency;

(2) "Missing child report", a report prepared on a standard form supplied by the Missouri state highway patrol for the use by private citizens and law enforcement agencies to report missing children or missing juvenile information to the Missouri state highway patrol;

(3) "Missing person", a person who is missing and meets one of the following characteristics:

(a) Is physically or mentally disabled to the degree that the person is dependent upon an agency or another individual;

(b) [Was or is in the company of another person] **Is missing** under circumstances indicating that the missing person's safety may be in danger;

(c) Is missing under [circumstances indicating that the disappearance was not voluntary] **involuntary or unknown circumstances; subject to the provisions of (a), (b), (d), (e), and (f) of this subsection;**

(d) Is a child or juvenile runaway from the residence of a parent [or] , legal guardian, **or custodian;**

(e) **Is a child and is missing under circumstances indicating that the person was or is in the presence of or under the control of a party whose presence or control was or is in violation of a permanent or temporary court order and fourteen or more days have elapsed, during which time the party has failed to file any pleading with the court seeking modification of the permanent or temporary court order;**

(f) **Is missing under circumstances indicating that the person was or is in the presence of or under the control of a party whose presence or control was or is in violation of a permanent or temporary court order and there are reasonable grounds to believe that the person may be taken outside of the United States;**

(4) "Patrol", the Missouri state highway patrol;

(5) "Registrar", the state registrar of vital statistics.

**210.1012. AMBER ALERT SYSTEM CREATED — DEPARTMENT TO DEVELOP SYSTEM REGIONS — FALSE REPORT, PENALTY.** — **1. There is hereby created a statewide program called the "Amber Alert System" referred to in this section as the "system", to aid in the identification and location of abducted persons.**

**2. For the purposes of this section, "abducted person" means a person whose whereabouts are unknown and who is reasonably believed to be the victim of the crime**

of kidnapping as defined by section 565.110, RSMo, as determined by local law enforcement.

3. The department of public safety shall develop regions to provide the system. The department of public safety shall coordinate local law enforcement agencies and public commercial television and radio broadcasters to provide an effective system. In the event that a local law enforcement agency opts not to set up a system and an abduction occurs within the jurisdiction, it shall notify the department of public safety who will notify local media in the region.

4. The amber alert system shall include all state agencies capable of providing urgent and timely information to the public together with broadcasters and other private entities that volunteer to participate in the dissemination of urgent public information. At a minimum, the amber alert system shall include the department of public safety, highway patrol, department of transportation, department of health and senior services, and Missouri lottery.

5. The department of public safety shall have the authority to notify other regions upon verification that the criteria established by the oversight committee has been met.

6. Participation in an amber alert system is entirely at the option of local law enforcement agencies and federally-licensed radio and television broadcasters.

7. Any person who knowingly makes a false report that triggers an alert pursuant to this section is guilty of a class A misdemeanor.

**210.1014. AMBER ALERT SYSTEM OVERSIGHT COMMITTEE CREATED, DUTIES, MEMBERS, COMPENSATION—RULEMAKING AUTHORITY.**— 1. There is hereby created the "Amber Alert System Oversight Committee", whose primary duty shall be to develop criteria and procedures for the amber alert system and shall be housed within the department of public safety. The committee shall regularly review the function of the amber alert system and revise its criteria and procedures in cooperation with the department of public safety to provide for efficient and effective public notification. As soon as practicable, the committee shall adopt criteria and procedures to expand the amber alert system to provide urgent public alerts related to homeland security, criminal acts, health emergencies, and other imminent dangers to the public health and welfare.

2. The amber alert system oversight committee shall consist of ten members of which seven members shall be appointed by the governor with the advice and consent of the senate. Such members shall represent the following entities: two representatives of the Missouri sheriff's association; two representatives of the Missouri police chief's association; one representative of small market radio broadcasters; one representative of large market radio broadcasters; one representative of television broadcasters. The director of the department of public safety shall also be a member of the committee and shall serve as chair of the committee. Additional members shall include one representative of the highway patrol and one representative of the department of health and senior services.

3. Members of the oversight committee shall serve a term of four years, except that members first appointed to the committee shall have staggered terms of two, three, and four years and shall serve until their successor is duly appointed and qualified.

4. Members of the oversight committee shall serve without compensation, except that members shall be reimbursed for their actual and necessary expenses required for the discharge of their duties.

5. The amber alert system oversight committee shall promulgate rules for the implementation of the amber alert system. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general

assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

Approved July 11, 2003

## SB 39 [CCS HCS SB 39]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Revises numerous provisions relating to emergency services.**

AN ACT to repeal sections 195.211, 195.214, 195.218, 195.417, and 650.105, RSMo, and to enact in lieu thereof nine new sections relating to methamphetamine, with penalty provisions.

### SECTION

- A. Enacting clause.
- 195.211. Distribution, delivery, manufacture or production of a controlled substance, violations and attempted violations, penalty.
- 195.214. Distribution of a controlled substance near schools, penalty.
- 195.218. Distribution of controlled substance near public housing — penalty.
- 195.417. Limit on over-the-counter sale of certain drugs, exceptions — violations, penalty.
- 488.029. Surcharge for crime lab analysis of controlled substances, deposit of moneys in state forensic laboratory account.
- 577.075. Anhydrous ammonia, unlawful to release or to allow escape into atmosphere, penalty.
- 650.105. Assistance program established — distribution of state funds — access to laboratories — limitation on establishment of new laboratories.
- 650.350. Missouri sheriff methamphetamine relief taskforce created, members, compensation, meetings — MoSMART fund created — rulemaking authority.
  - 1. Violations of chapter, defendant to pay costs of testing when found guilty.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 195.211, 195.214, 195.218, 195.417, and 650.105, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 195.211, 195.214, 195.218, 195.417, 488.029, 577.075, 650.105, 650.350, and 1, to read as follows:

**195.211. DISTRIBUTION, DELIVERY, MANUFACTURE OR PRODUCTION OF A CONTROLLED SUBSTANCE, VIOLATIONS AND ATTEMPTED VIOLATIONS, PENALTY.** — 1. Except as authorized by sections 195.005 to 195.425 and except as provided in section 195.222, it is unlawful for any person to distribute, deliver, manufacture, produce or attempt to distribute, deliver, manufacture or produce a controlled substance or to possess with intent to distribute, deliver, manufacture, or produce a controlled substance.

2. Any person who violates or attempts to violate this section with respect to manufacturing or production of a controlled substance of any amount except for five grams or less of marijuana in a residence where a child resides or within two thousand feet of the real property comprising a public or private elementary or public or private elementary or secondary school, public vocational school or a public or private junior college, college or university, or any school bus is guilty of a class A felony.

[2.] **3.** Any person who violates or attempts to violate this section with respect to any controlled substance except five grams or less of marijuana is guilty of a class B felony.

[3.] **4.** Any person who violates this section with respect to distributing or delivering not more than five grams of marijuana is guilty of a class C felony.

**195.214. DISTRIBUTION OF A CONTROLLED SUBSTANCE NEAR SCHOOLS, PENALTY. —**

1. A person commits the offense of distribution of a controlled substance near schools if such person violates section 195.211 by unlawfully distributing or delivering any controlled substance to a person in or on, or within two thousand feet of, the real property comprising a public or private elementary or secondary school, public vocational school, or a public or private junior college, college or university or on any school bus.

2. Distribution of a controlled substance near schools is a class A felony **which term shall be served without probation or parole if the court finds the defendant is a persistent drug offender.**

**195.218. DISTRIBUTION OF CONTROLLED SUBSTANCE NEAR PUBLIC HOUSING —**

**PENALTY. —** 1. A person commits the offense of distribution of a controlled substance near public housing or other governmental assisted housing if he violates section 195.211 by unlawfully distributing or delivering any controlled substance to a person in or on, or within one thousand feet of the real property comprising public housing or other governmental assisted housing.

2. Distribution of a controlled substance near public housing or other governmental assisted housing is a class A felony **which term shall be served without probation or parole if the court finds the defendant is a persistent drug offender.**

**195.417. LIMIT ON OVER-THE-COUNTER SALE OF CERTAIN DRUGS, EXCEPTIONS —**  
**VIOLATIONS, PENALTY. —** 1. No person shall deliver in any single over-the-counter sale more than [three]:

(1) **Two packages or any number of packages that contain a combined total of no more than six grams,** of any [methamphetamine precursor drug or any combination of methamphetamine precursor drugs.

2.] **drug containing a sole active ingredient of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers; or**

(2) **Three packages of any combination drug containing, as one of its active ingredients, ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers, or any number of packages of said combination drug that contain a combined total of no more than nine grams of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers.**

2. **All packages of any drug having a sole active ingredient of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers, shall be displayed and offered for sale only behind a checkout counter where the public is not permitted, or within ten feet and an unobstructed view of an attended checkout counter. This subsection shall not apply to any retailer utilizing an electronic anti-theft system that utilizes a product tag and detection alarm which specifically prevents the theft of such drugs from the place of business where such drugs are sold.**

3. **This section shall supersede any municipal ordinances or regulations passed on or after December 23, 2002, to the extent that such ordinances or regulations are more restrictive than the provisions of this section.** This section shall not apply to any product labeled pursuant to federal regulation for use only in children under twelve years of age, or to any products that the state department of health and senior services, upon application of a

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manufacturer, exempts by rule from this section because the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, or its salts or precursors **or to the sale of any animal feed products containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.**

[3.] **4.** Any person who is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale who violates subsection 1 of this section shall not be penalized pursuant to this section if such person documents that an employee training program was in place to provide the employee with information on the state and federal regulations regarding ephedrine, pseudoephedrine, or phenylpropanolamine.

[4.] **5.** Any person who knowingly or recklessly violates this section is guilty of a class A misdemeanor.

**488.029. SURCHARGE FOR CRIME LAB ANALYSIS OF CONTROLLED SUBSTANCES, DEPOSIT OF MONEYS IN STATE FORENSIC LABORATORY ACCOUNT. — There shall be assessed and collected a surcharge of one hundred fifty dollars in all criminal cases for any violation of chapter 195, RSMo, in which a crime laboratory makes analysis of a controlled substance, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state or when a criminal proceeding or the defendant has been dismissed by the court. The moneys collected by clerks of the courts pursuant to the provisions of this section shall be collected and disbursed as provided by section 448.010 to 488.020. All such moneys shall be payable to the director of revenue, who shall deposit all amounts collected pursuant to this section to the credit of the state forensic laboratory account to be administered by the department of public safety pursuant to section 650.105, RSMo.**

**577.075. ANHYDROUS AMMONIA, UNLAWFUL TO RELEASE OR TO ALLOW ESCAPE INTO ATMOSPHERE, PENALTY. — 1. It shall be unlawful for any person not the owner or not in lawful control of an approved container of anhydrous ammonia to release or allow the escape of anhydrous ammonia into the atmosphere.**

**2. Unlawful release of anhydrous ammonia is a class B felony, unless such release causes death of a human being or causes serious physical injury to any person in which case it is a class A felony.**

**650.105. ASSISTANCE PROGRAM ESTABLISHED — DISTRIBUTION OF STATE FUNDS — ACCESS TO LABORATORIES — LIMITATION ON ESTABLISHMENT OF NEW LABORATORIES. —**

**1.** There is hereby created the "Missouri Crime Laboratory Assistance Program" within the department of public safety. The purpose of this program is to provide state financial assistance to defray part of the operational costs incurred by crime laboratories.

**2.** Funds that are appropriated **and collected pursuant to section 488.029, RSMo,** for this program shall be appropriated to the department.

**3.** Distribution of these state funds shall be by contractual arrangement between the department and each respective laboratory providing the service. Terms of the contract shall be negotiable each year. The state auditor shall audit from time to time all crime laboratories receiving state funds.

**4.** Nothing in sections 650.100 and 650.105 shall prohibit any crime laboratory from receiving federal or local funds should such funds become available.

**5.** All law enforcement agencies, municipal, county and state, shall have access to crime laboratories funded hereunder.

**6.** No state funds shall be expended unless appropriated by the general assembly for this purpose.

7. No new crime laboratories shall be started with state funds until authorized by the general assembly.

**650.350. MISSOURI SHERIFF METHAMPHETAMINE RELIEF TASKFORCE CREATED, MEMBERS, COMPENSATION, MEETINGS — MoSMART FUND CREATED — RULEMAKING AUTHORITY. — 1.** There is hereby created within the department of public safety the "Missouri Sheriff Methamphetamine Relief Taskforce" (MoSMART). MoSMART shall be composed of five sitting sheriffs. Every two years, the Missouri sheriffs' association board of directors will submit twenty names of sitting sheriffs to the governor. The governor shall appoint five members from the list of twenty names, having no more than three from any one political party, to serve a term of two years on MoSMART. The members shall elect a chair from among their membership. Members shall receive no compensation for the performance of their duties pursuant to this section, but each member shall be reimbursed from the MoSMART fund for actual and necessary expenses incurred in carrying out duties pursuant to this section.

2. MoSMART shall meet no less than twice each calendar year with additional meetings called by the chair upon the request of at least two members. A majority of the appointed members shall constitute a quorum.

3. A special fund is hereby created in the state treasury to be known as the "MoSMART Fund". The state treasurer shall invest the moneys in such fund in the manner authorized by law. All moneys received for MoSMART from interest, state, and federal moneys shall be deposited to the credit of the fund. The director of the department of public safety shall distribute at least fifty percent but not more than one hundred percent of the fund annually in the form of grants approved by MoSMART.

4. All moneys appropriated to or received by MoSMART shall be deposited and credited to the MoSMART fund. The department of public safety shall only be reimbursed for actual and necessary expenses for the administration of MoSMART, which shall be no less than one percent and which shall not exceed two percent of all moneys appropriated to the fund. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the MoSMART fund shall not lapse to general revenue at the end of the biennium.

5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

6. Any county law enforcement entity or established task force with a memorandum of understanding and protocol may apply for grants from the MoSMART fund on an application to be developed by the department of public safety with the approval of MoSMART. All applications shall be evaluated by MoSMART and approved or denied based upon the level of funding designated for methamphetamine enforcement before 1997 and upon current need and circumstances. No applicant shall receive a MoSMART grant in excess of one hundred thousand dollars per year. The department of public safety shall monitor all MoSMART grants.

7. MoSMART's anti-methamphetamine funding priorities are as follows:

(1) Sheriffs who are participating in coordinated multi-jurisdictional task forces and have their task forces apply for funding;

(2) Sheriffs whose county has been designated HIDTA counties, yet have received no HIDTA or narcotics assistance program funding; and

(3) **Sheriffs without HIDTA designations or task forces, whose application justifies the need for MoSMART funds to eliminate methamphetamine labs.**

**SECTION 1. VIOLATIONS OF CHAPTER, DEFENDANT TO PAY COSTS OF TESTING WHEN FOUND GUILTY. — In any case where there is a violation of chapter 195, RSMo, a judge may, upon a finding of guilty, order a defendant to pay for costs for testing of the substances at a private laboratory.**

Approved June 24, 2003

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SB 50 [SB 50]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Modifies time for election authority to complete verification of initiative or referendum petition signatures.**

AN ACT to repeal section 116.130, RSMo, relating to verification of signatures on initiative or referendum petitions, and to enact in lieu thereof one new section relating to the same subject.

SECTION

- A. Enacting clause.  
116.130. Election authorities may be requested to verify signatures either by random sampling or checking signatures, when, how.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE. —** Section 116.130, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 116.130, to read as follows:

**116.130. ELECTION AUTHORITIES MAY BE REQUESTED TO VERIFY SIGNATURES EITHER BY RANDOM SAMPLING OR CHECKING SIGNATURES, WHEN, HOW. —** 1. The secretary of state may send copies of petition pages to election authorities to verify that the persons whose names are listed as signers to the petition are registered voters. Such verification may either be of each signature or by random sampling as provided in section 116.120, as the secretary shall direct. If copies of the petition pages are sent to an election authority for verification, such copies shall be sent pursuant to the following schedule:

(1) Copies of all pages from not less than one petition shall be received in the office of the election authority not later than two weeks after the petition is filed in the office of secretary of state;

(2) Copies of all pages of a total of three petitions shall be received in the office of the election authority not later than three weeks after the petition is filed in the office of the secretary of state;

(3) If more than three petitions are filed, all copies of petition pages, including those petitions selected for verification by random sample pursuant to section 116.120, shall be received in the office of the election authority not later than the fourth week after the petition is filed in the office of the secretary of state.

Each election authority shall check the signatures against voter registration records in the election authority's jurisdiction, but the election authority shall count as valid only the signatures of

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persons registered as voters in the county named in the circulator's affidavit. Signatures shall not be counted as valid if they have been struck through or crossed out.

2. If the election authority is requested to verify the petition by random sampling, such verification shall be completed and certified not later than [two weeks] **thirty days** from the date that the election authority receives the petition from the secretary of state. If the election authority is to verify each signature, such verification must be completed, certified and delivered to the secretary of state by 5:00 p.m. on the last Tuesday in July prior to the election, or in the event of complete verification of signatures after a failed random sample, full verification shall be completed, certified and delivered to the secretary of state by 5:00 p.m. on the last Tuesday in July or by 5:00 p.m. on the Friday of the fifth week after receipt of the signatures by the local election authority, whichever is later.

3. If the election authority or the secretary of state determines that the congressional district number written after the signature of any voter is not the congressional district of which the voter is a resident, the election authority or the secretary of state shall correct the congressional district number on the petition page. Failure of a voter to give the voter's correct congressional district number shall not by itself be grounds for not counting the voter's signature.

4. The election authority shall return the copies of the petition pages to the secretary of state with annotations regarding any invalid or questionable signatures which the election authority has been asked to check by the secretary of state. The election authority shall verify the number of pages received for that county, and also certify the total number of valid signatures of voters from each congressional district which the election authority has been asked to check by the secretary of state.

5. The secretary of state is authorized to adopt rules to ensure uniform, complete, and accurate checking of petition signatures either by actual count or random sampling. No rule or portion of a rule promulgated pursuant to this section shall become effective unless it has been promulgated pursuant to the provisions of [section 536.024] **chapter 536**, RSMo.

6. After a period of three years from the time of submission of the petitions to the secretary of state, the secretary of state, if the secretary determines that retention of such petitions is no longer necessary, may destroy such petitions.

Approved May 8, 2003

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## SB 52 [CCS HCS SCS#2 SB 52]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

### **Modifies the nonresident athletes and entertainers tax.**

AN ACT to repeal section 143.183, RSMo, and to enact in lieu thereof one new section relating to the taxation of nonresident professional athletes and entertainers.

#### SECTION

- A. Enacting clause.
- 143.183. Professional athletes and entertainers, state income tax revenues from nonresidents — transfers to Missouri arts council trust fund, Missouri humanities council trust fund, Missouri state library networking fund, Missouri public television broadcasting corporation special fund and Missouri historic preservation revolving fund.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

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**SECTION A. ENACTING CLAUSE.** — Section 143.183, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 143.183, to read as follows:

**143.183. PROFESSIONAL ATHLETES AND ENTERTAINERS, STATE INCOME TAX REVENUES FROM NONRESIDENTS — TRANSFERS TO MISSOURI ARTS COUNCIL TRUST FUND, MISSOURI HUMANITIES COUNCIL TRUST FUND, MISSOURI STATE LIBRARY NETWORKING FUND, MISSOURI PUBLIC TELEVISION BROADCASTING CORPORATION SPECIAL FUND AND MISSOURI HISTORIC PRESERVATION REVOLVING FUND.** — 1. As used in this section, the following terms mean:

(1) "Nonresident entertainer", a person residing or registered as a corporation outside this state who, for compensation, performs any vocal, instrumental, musical, comedy, dramatic, dance or other performance in this state before a live audience and any other person traveling with and performing services on behalf of a nonresident entertainer, including a nonresident entertainer who is paid compensation for providing entertainment as an independent contractor, a partnership that is paid compensation for entertainment provided by nonresident entertainers, a corporation that is paid compensation for entertainment provided by nonresident entertainers, or any other entity that is paid compensation for entertainment provided by nonresident entertainers;

(2) "Nonresident member of a professional athletic team", a [member of a] professional athletic team [residing] **member who resides** outside this state, including any active player, any player on the disabled list if such player is in uniform on the day of the game at the site of the game, and any other person traveling with and performing services on behalf of a professional athletic team;

(3) "Personal service income" includes exhibition and regular season salaries and wages, guaranteed payments, strike benefits, deferred payments, severance pay, bonuses, and any other type of compensation paid to the nonresident entertainer or nonresident member of a professional athletic team, but does not include prizes, bonuses or incentive money received from competition in a livestock, equine or rodeo performance, exhibition or show;

(4) "Professional athletic team" includes, but is not limited to, any professional baseball, basketball, football, soccer and hockey team.

2. Any person, **venue**, or entity who pays compensation to a nonresident entertainer shall deduct and withhold from such compensation as a prepayment of tax, an amount equal to two percent of the total compensation **if the amount of compensation is in excess of three hundred dollars** paid to the nonresident entertainer.

3. Any person, **venue**, or entity required to deduct and withhold tax pursuant to subsection 2 of this section, shall, for each calendar quarter, on or before the last day of the month following the close of such calendar quarter, remit the taxes withheld in such form or return as prescribed by the director of revenue and pay over to the director of revenue or to a depository designated by the director of revenue the taxes so required to be deducted and withheld.

**4. Any person, venue, or entity subject to this section shall be considered an employer for purposes of section 143.191, and shall be subject to all penalties, interest, and additions to tax provided in this chapter for failure to comply with this section.**

[4.] **5.** Notwithstanding other provisions of this chapter to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but none after December 31, [2008] **2015**, shall annually estimate the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of [nine] **sixteen** years, sixty percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri arts council trust fund, and shall be transferred[, subject to appropriation,] from the general revenue fund to the Missouri arts council trust fund established in section 185.100, RSMo, and any amount transferred shall be in addition to such agency's

budget base for each fiscal year. Notwithstanding other provisions of this section, the Missouri arts council shall not be appropriated more than ten million dollars in any fiscal year. The director shall by rule establish the method of determining the portion of personal service income of such persons that is allocable to Missouri.

[5.] **6.** Notwithstanding the provisions of sections 186.050 to 186.067, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, [2008] **2015**, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of [nine] **sixteen** years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri humanities council trust fund, and shall be transferred[, subject to appropriation,] from the general revenue fund to the Missouri humanities council trust fund established in section 186.055, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year.

[6.] **7.** Notwithstanding other provisions of section 182.812, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, [2008] **2015**, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of [nine] **sixteen** years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri state library networking fund, and shall be transferred[, subject to appropriation,] from the general revenue fund to the secretary of state for distribution to public libraries for acquisition of library materials as established in section 182.812, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year.

[7.] **8.** Notwithstanding other provisions of section 37.200, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, [2008] **2015**, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of [nine] **sixteen** years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri public television broadcasting corporation special fund, and shall be transferred[, subject to appropriation,] from the general revenue fund to the Missouri public television broadcasting corporation special fund established in section 37.200, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year; provided, however, that twenty-five percent of such allocation shall be used for grants to public radio stations which were qualified by the corporation for public broadcasting as of November 1, 1996. Such grants shall be distributed to each of such public radio stations in this state after receipt of the station's certification of operating and programming expenses for the prior fiscal year. Certification shall consist of the most recent fiscal year financial statement submitted by a station to the corporation for public broadcasting. The grants shall be divided into two categories, an annual basic service grant and an operating grant. The basic service grant shall be equal to thirty-five percent of the total amount and shall be divided equally among the public radio stations receiving grants. The remaining amount shall be distributed as an operating grant to the stations on the basis of the proportion that the total operating expenses of the individual station in the prior fiscal year bears to the aggregate total of operating expenses for the same fiscal year for all Missouri public radio stations which are receiving grants.

[8.] **9.** Notwithstanding other provisions of section 253.402, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, [2008] **2015**, shall estimate annually the amount of state income tax

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revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of [nine] **sixteen** years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri department of natural resources Missouri historic preservation revolving fund, and shall be transferred[, subject to appropriation,] from the general revenue fund to the Missouri department of natural resources Missouri historic preservation revolving fund established in section 253.402, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year. As authorized pursuant to subsection 2 of section 30.953, RSMo, it is the intention and desire of the general assembly that the state treasurer convey, to the Missouri investment trust on January 1, 1999, up to one hundred percent of the balances of the Missouri arts council trust fund established pursuant to section 185.100, RSMo, and the Missouri humanities council trust fund established pursuant to section 186.055, RSMo. The funds shall be reconveyed to the state treasurer by the investment trust as follows: the Missouri arts council trust fund, [on] **no earlier than** January 2, 2009; and the Missouri humanities council trust fund, [on] **no earlier than** January 2, 2009.

Approved July 10, 2003

## SB 54 [SB 54]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### **Allows biennial vehicle emissions testing in certain attainment areas.**

AN ACT to repeal sections 301.147 and 307.366 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bills nos. 603, 722 and 783, ninetieth general assembly, first regular session, 307.366 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, 643.310 and 643.315, RSMo, and to enact in lieu thereof four new sections relating to motor vehicles.

#### SECTION

- A. Enacting clause.
- 301.147. Biennial registration, requirements, fee — rulemaking authority, procedure — staggering registration periods.
- 307.366. Motor vehicle emissions tested, mandated by Congress, nonattainment areas — exempt vehicles — certificate — motor vehicle dealers may sell with or without inspection, procedure, penalty — fee — waiver — failure to pass, result — fund created, source, use and investment of funds — inspection stations, duties — highway patrol, duties — violation, penalty.
- 307.366. Motor vehicle emissions tested, mandated by Congress, nonattainment areas — exempt vehicles — certificate — motor vehicle dealers may sell with or without inspection, procedure, penalty — fee — waiver — failure to pass, result — fund created, source, use and investment of funds — inspection stations, duties — highway patrol, duties — violation, penalty.
- 643.310. Commission to establish motor vehicle emissions inspection program, certain cities and counties, exceptions — request attorney general to bring lawsuit — interagency agreement for enforcement, when — selection of person to operate inspection facility or program, procedure, contract requirement — program criteria — selection of contractors, minorities, motor vehicle dealers — sale of analyzer to department when — reformulated gasoline in nonattainment area.
- 643.315. Motor vehicles subject to program, when, exceptions — reciprocity with other states — dealer inspection, return of motor vehicle for failing inspection, options, violation.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 301.147 and 307.366 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bills nos. 603, 722 and 783, ninetieth general assembly, first regular session, 307.366 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, 643.310 and 643.315, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 301.147, 307.366, 643.310, and 643.315, to read as follows:

**301.147. BIENNIAL REGISTRATION, REQUIREMENTS, FEE — RULEMAKING AUTHORITY, PROCEDURE — STAGGERING REGISTRATION PERIODS.** — 1. Notwithstanding the provisions of section 301.020 to the contrary, beginning July 1, 2000, the director of revenue may provide owners of motor vehicles, other than commercial motor vehicles licensed in excess of twelve thousand pounds gross weight, the option of biennially registering motor vehicles. Any vehicle manufactured as an even-numbered model year vehicle shall be renewed each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be renewed each odd-numbered calendar year, subject to the following requirements:

(1) The fee collected at the time of biennial registration shall include the annual registration fee plus a pro rata amount for the additional twelve months of the biennial registration;

(2) Presentation of all documentation otherwise required by law for vehicle registration including, but not limited to, a personal property tax receipt or certified statement for the preceding year that no such taxes were due as set forth in section 301.025, proof of a motor vehicle safety inspection and any applicable emission inspection conducted within sixty days prior to the date of application and proof of insurance as required by section 303.026, RSMo;

(3) For those motor vehicles owned by a person who resides in a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census who chooses biennial registration pursuant to this section and who does not submit proof of an emission inspection pursuant to section 643.315, RSMo, but instead submits proof of an emission inspection pursuant to section 307.366, RSMo, the director of the department of revenue shall issue a motor vehicle registration tab valid only for one year. The year following issuance to a person of a motor vehicle registration tab valid only for one year, the director or the director's authorized designee shall, upon notification of any such person's completed emission inspection pursuant to section 307.366, RSMo, by the department of natural resources or its designee, without further application or proof issue such person an additional motor vehicle registration tab valid for the remaining biennial period].

2. The director of revenue may prescribe rules and regulations for the effective administration of this section. The director is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated pursuant to the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 1, 2000, shall be invalid and void.

3. The director of revenue shall have the authority to stagger the registration period of motor vehicles other than commercial motor vehicles licensed in excess of twelve thousand pounds gross weight. Once the owner of a motor vehicle chooses the option of biennial registration, such registration must be maintained for the full twenty-four month period.

**[307.366. MOTOR VEHICLE EMISSIONS TESTED, MANDATED BY CONGRESS, NON-ATTAINMENT AREAS — EXEMPT VEHICLES — CERTIFICATE — MOTOR VEHICLE DEALERS**

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**MAY SELL WITH OR WITHOUT INSPECTION, PROCEDURE, PENALTY — FEE — WAIVER — FAILURE TO PASS, RESULT — FUND CREATED, SOURCE, USE AND INVESTMENT OF FUNDS — INSPECTION STATIONS, DUTIES — HIGHWAY PATROL, DUTIES — VIOLATION, PENALTY. —**

1. This enactment of the emissions inspection program is a mandate of the United States Congress pursuant to the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. In any city not within a county, any county of the first classification having a population of over nine hundred thousand inhabitants according to the most recent decennial census, any county of the first classification with a charter form of government and a population of not more than two hundred twenty thousand inhabitants and not less than two hundred thousand inhabitants according to the most recent decennial census, any county of the first classification without a charter form of government with a population of not more than one hundred eighty thousand inhabitants and not less than one hundred seventy thousand inhabitants according to the most recent decennial census and any county of the first classification without a charter form of government with a population of not more than eighty-two thousand inhabitants and not less than eighty thousand inhabitants according to the most recent decennial census certain motor vehicles shall be tested annually to determine that the emissions system is functioning within the emission standards as specified by the Missouri air conservation commission and as required to attain the national health standards for air quality. The motor vehicles to be tested shall be all motor vehicles except those specifically exempted pursuant to subdivisions (1) to (3) of subsection 1 of section 307.350 and those exempted pursuant to this section.

2. The provisions of this section shall not apply to:

(1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;

(2) Motorcycles and motortricycles;

(3) Model year vehicles prior to 1971;

(4) School buses;

(5) Diesel-powered vehicles;

(6) Motor vehicles registered in the area covered by this section but which are based and operated exclusively in an area of this state not subject to the provisions of this section if the owner of such vehicle presents to the director a sworn affidavit that the vehicle will be based and operated outside the covered area; and

(7) New motor vehicles not previously titled or registered prior to the initial motor vehicle registration or the next succeeding registration which is required by law. Each official inspection station which conducts safety or emissions inspections in a city or county referred to in subsection 1 of this section shall indicate the gross vehicle weight rating of the motor vehicle on the safety inspection certificate if the vehicle is exempt from the emissions inspection pursuant to subdivision (1) of this subsection.

3. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550, RSMo, may choose to sell a motor vehicle subject to the inspection requirements of this section either:

(a) With prior inspection and approval as provided in subdivision (2) of this subsection; or

(b) Without prior inspection and approval as provided in subdivision (3) of this subsection.

(2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established pursuant to this section or by obtaining a waiver pursuant to subsection 6 of this section. A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected and approved within the one hundred twenty days immediately preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection shall be considered timely.

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within fourteen days of the date of purchase, provided that the vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails,

upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days or the purchaser and dealer may enter into any other mutually acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle within fourteen days, provided that the vehicle has no more than one thousand additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, or enter into any mutually acceptable agreement with the dealer. A violation of this subdivisions shall be an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be required pursuant to this section for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of section 307.380.

4. In addition to the fee authorized by subsection 5 of section 307.365, a fee, not to exceed eight dollars and fifty cents for inspections conducted prior to January 1, 1993, and not to exceed ten dollars and fifty cents for inspections conducted thereafter, as determined by each official emissions inspection station located in any city or county described in subsection 1 of this section, may be charged for an automobile emissions and air pollution control inspection in order to attain the national health standards for air quality. Such fee shall be conspicuously posted on the premises of each such inspection station. The official emissions inspection station shall issue a certificate of inspection and an approval sticker or seal certifying the emissions system is functioning properly. The certificate or approval issued shall bear the legend: "This cost is mandated by your United States Congress.". No owner shall be charged an additional fee after having corrected defects or unsafe conditions in the automobile's emissions and air pollution control system if the reinspection is completed within twenty consecutive days, excluding Saturdays, Sundays and holidays, and if such follow-up inspection is made by the station making the initial inspection.

5. The air conservation commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which shall be no greater than seventy-five dollars for model year vehicles prior to 1981 and no greater than two hundred dollars for model year vehicles of 1981 and all subsequent model years.

6. An owner whose vehicle fails upon reinspection to meet the emission standards specified by the Missouri air conservation commission shall be issued a certificate of inspection and an approval sticker or seal by the official emissions inspection station that provided the inspection if the vehicle owner furnishes a complete, signed affidavit satisfying the requirements of this subsection and the cost of emissions repairs and adjustments is equal to or greater than the waiver amount established by the air conservation commission pursuant to this section. The air conservation commission shall establish, by rule, a form and a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval. The waiver form established pursuant to this subsection shall be an affidavit requiring:

(1) A statement signed by the repairer that the specified work was done and stating the itemized charges for the work; and

(2) A statement signed by the inspector that an inspection of the vehicle verified, to the extent practical, that the specified work was done.

7. The department of revenue shall require evidence of the inspection and approval required by this section in issuing the motor vehicle annual registration in conformity with the procedure required by sections 307.350 to 307.370.

8. Each emissions inspection station located in any city or county described in subsection 1 of this section shall purchase from the highway patrol sufficient forms and stickers or other devices to evidence approval of the motor vehicle's emissions control system. In addition, emissions inspection stations may be required to purchase forms for use in automated analyzers

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from outside vendors of the inspection station's choice. The forms must comply with state regulations.

9. In addition to the fee collected by the superintendent pursuant to subsection 5 of section 307.365, the highway patrol shall collect a fee of seventy-five cents for each automobile emissions certificate issued to the applicable official emissions inspection stations, except that no charge shall be made for certificates of inspection issued to official emissions inspection stations operated by governmental entities. All fees collected by the superintendent pursuant to this section shall be deposited in the state treasury to the credit of the "Missouri Air Pollution Control Fund", which is hereby created.

10. The moneys collected and deposited in the Missouri air pollution control fund pursuant to this section shall be allocated on an equal basis to the Missouri state highway patrol and the Missouri department of natural resources, air pollution control program, and shall be expended subject to appropriation by the general assembly for the administration and enforcement of sections 307.350 to 307.390. The unexpended balance in the fund at the end of each appropriation period shall not be transferred to the general revenue fund, except as directed by the general assembly by appropriation, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to this fund. The moneys in the fund shall be invested by the treasurer as provided by law, and the interest shall be credited to the fund.

11. The superintendent of the Missouri state highway patrol shall issue such rules and regulations as are necessary to determine whether a motor vehicle's emissions control system is operating as required by subsection 1 of this section, and the superintendent and the state highways and transportation commission shall use their best efforts to seek federal funds from which reimbursement grants may be made to those official inspection stations which acquire and use the necessary testing equipment which will be required to perform the tests required by the provisions of this section.

12. The provisions of this section shall not apply in any county for any time period during which the air conservation commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355, RSMo, for such county.

13. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed a class C misdemeanor.]

**307.366. MOTOR VEHICLE EMISSIONS TESTED, MANDATED BY CONGRESS, NON-ATTAINMENT AREAS — EXEMPT VEHICLES — CERTIFICATE — MOTOR VEHICLE DEALERS MAY SELL WITH OR WITHOUT INSPECTION, PROCEDURE, PENALTY — FEE — WAIVER — FAILURE TO PASS, RESULT — FUND CREATED, SOURCE, USE AND INVESTMENT OF FUNDS — INSPECTION STATIONS, DUTIES — HIGHWAY PATROL, DUTIES — VIOLATION, PENALTY. —**

1. This enactment of the emissions inspection program is a mandate of the United States Congress pursuant to the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. In [any city not within a county, any county of the first classification having a population of over nine hundred thousand inhabitants according to the most recent decennial census, any county of the first classification with a charter form of government and a population of not more than two hundred twenty thousand inhabitants and not less than two hundred thousand inhabitants according to the most recent decennial census, any county of the first classification without a charter form of government with a population of not more than one hundred eighty thousand inhabitants and not less than one hundred seventy thousand inhabitants according to the most recent decennial census and any county of the first classification without a charter form of government with a population of not more than eighty-two thousand inhabitants and not less than eighty thousand inhabitants according to the most recent decennial census] **any portion of an area designated by the governor as a nonattainment area, as defined in the federal Clean Air Act, as amended, 42 U.S.C.A. Section 7501, and located within the area described in subsection 1 of section 643.305, RSMo, certain motor vehicles shall be tested [annually] and**

**approved prior to sale or transfer and biennially thereafter** to determine that the emissions system is functioning within the emission standards as specified by the Missouri air conservation commission and as required to attain the national health standards for air quality. **For such biennial testing, any such vehicle manufactured as an even-numbered model year vehicle shall be tested and approved in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be tested and approved in each odd-numbered calendar year.** The motor vehicles to be tested shall be all motor vehicles except those specifically exempted pursuant to subdivisions (1) to (3) of subsection 1 of section 307.350 and those exempted pursuant to this section.

2. The provisions of this section shall not apply to:

(1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;

(2) Motorcycles and motortricycles;

(3) Model year vehicles prior to 1971;

(4) School buses;

(5) Diesel-powered vehicles;

(6) Motor vehicles registered in the area covered by this section but which are based and operated exclusively in an area of this state not subject to the provisions of this section if the owner of such vehicle presents to the director a sworn affidavit that the vehicle will be based and operated outside the covered area;

(7) New **and unused** motor vehicles [not previously titled or registered prior to the initial motor vehicle registration or the next succeeding registration which is required by law], **of model years of the current calendar year and of any calendar year within two years of such calendar year, which have an odometer reading of less than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user;** and

(8) Motor vehicles owned by a person who resides in a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census [who has chosen to have a biennial motor vehicle registration pursuant to section 301.147, RSMo, and] who has completed an emission inspection pursuant to section 643.315, RSMo.

Each official inspection station which conducts [safety or] emissions inspections [in a city or county] **within the area** referred to in subsection 1 of this section shall indicate the gross vehicle weight rating of the motor vehicle on the [safety] inspection certificate if the vehicle is exempt from the emissions inspection pursuant to subdivision (1) of this subsection.

3. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550, RSMo, may choose to sell a motor vehicle subject to the inspection requirements of this section either:

(a) With prior inspection and approval as provided in subdivision (2) of this subsection; or

(b) Without prior inspection and approval as provided in subdivision (3) of this subsection.

(2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established pursuant to this section or by obtaining a waiver pursuant to subsection 6 of this section. A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected and approved within the one hundred twenty days immediately preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection shall be considered timely.

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within ten days of the date of purchase, provided that the vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions

standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days or the purchaser and dealer may enter into any other mutually acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle within ten days, provided that the vehicle has no more than one thousand additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, or enter into any mutually acceptable agreement with the dealer. A violation of this [subdivisions] **subsection** shall be an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be required pursuant to this section for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of section 307.380.

4. [In addition to the fee authorized by subsection 5 of section 307.365,] A fee, not to exceed [eight dollars and fifty cents for inspections conducted prior to January 1, 1993, and not to exceed ten dollars and fifty cents for inspections conducted thereafter, as determined by each official emissions inspection station located in any city or county described in subsection 1 of this section,] **twenty-four dollars** may be charged for an automobile emissions and air pollution control inspection in order to attain the national health standards for air quality. Such fee shall be conspicuously posted on the premises of each such inspection station. The official emissions inspection station shall issue a certificate of inspection and an approval sticker or seal certifying the emissions system is functioning properly. The certificate or approval issued shall bear the legend: "This cost is mandated by your United States Congress.". No owner shall be charged an additional fee after having corrected defects or unsafe conditions in the automobile's emissions and air pollution control system if the reinspection is completed within twenty consecutive days, excluding Saturdays, Sundays and holidays, and if such follow-up inspection is made by the station making the initial inspection.

5. The air conservation commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which shall be no greater than seventy-five dollars for model year vehicles prior to 1981 and no greater than two hundred dollars for model year vehicles of 1981 and all subsequent model years.

6. An owner whose vehicle fails upon reinspection to meet the emission standards specified by the Missouri air conservation commission shall be issued a certificate of inspection and an approval sticker or seal by the official emissions inspection station that provided the inspection if the vehicle owner furnishes a complete, signed affidavit satisfying the requirements of this subsection and the cost of emissions repairs and adjustments is equal to or greater than the waiver amount established by the air conservation commission pursuant to this section. The air conservation commission shall establish, by rule, a form and a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval. The waiver form established pursuant to this subsection shall be an affidavit requiring:

(1) A statement signed by the repairer that the specified work was done and stating the itemized charges for the work; and

(2) A statement signed by the inspector that an inspection of the vehicle verified, to the extent practical, that the specified work was done.

7. The department of revenue shall require evidence of the inspection and approval required by this section in issuing the motor vehicle annual registration in conformity with the procedure required by sections 307.350 to 307.370.

8. Each emissions inspection station located in [any city or county] **the area** described in subsection 1 of this section shall purchase from the highway patrol sufficient forms and stickers or other devices to evidence approval of the motor vehicle's emissions control system. In addition, emissions inspection stations may be required to purchase forms for use in automated

analyzers from outside vendors of the inspection station's choice. The forms must comply with state regulations.

9. In addition to the fee collected by the superintendent pursuant to subsection 5 of section 307.365, the highway patrol shall collect a fee of seventy-five cents for each automobile emissions certificate issued to the applicable official emissions inspection stations, except that no charge shall be made for certificates of inspection issued to official emissions inspection stations operated by governmental entities. All fees collected by the superintendent pursuant to this section shall be deposited in the state treasury to the credit of the "Missouri Air Pollution Control Fund", which is hereby created.

10. The moneys collected and deposited in the Missouri air pollution control fund pursuant to this section shall be allocated on an equal basis to the Missouri state highway patrol and the Missouri department of natural resources, air pollution control program, and shall be expended subject to appropriation by the general assembly for the administration and enforcement of sections 307.350 to 307.390. The unexpended balance in the fund at the end of each appropriation period shall not be transferred to the general revenue fund, except as directed by the general assembly by appropriation, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to this fund. The moneys in the fund shall be invested by the treasurer as provided by law, and the interest shall be credited to the fund.

11. The superintendent of the Missouri state highway patrol shall issue such rules and regulations as are necessary to determine whether a motor vehicle's emissions control system is operating as required by subsection 1 of this section, and the superintendent and the state highways and transportation commission shall use their best efforts to seek federal funds from which reimbursement grants may be made to those official inspection stations which acquire and use the necessary testing equipment which will be required to perform the tests required by the provisions of this section.

12. The provisions of this section shall not apply in any county for any time period during which the air conservation commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355, RSMo, for such county, except where motor vehicle owners have the option of biennial testing pursuant to chapter 643, RSMo. In counties where such option is available, the emissions inspection may be conducted in stations conducting only an emissions inspection under contract to the state.

13. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed a class C misdemeanor.

**643.310. COMMISSION TO ESTABLISH MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM, CERTAIN CITIES AND COUNTIES, EXCEPTIONS — REQUEST ATTORNEY GENERAL TO BRING LAWSUIT — INTERAGENCY AGREEMENT FOR ENFORCEMENT, WHEN — SELECTION OF PERSON TO OPERATE INSPECTION FACILITY OR PROGRAM, PROCEDURE, CONTRACT REQUIREMENT — PROGRAM CRITERIA — SELECTION OF CONTRACTORS, MINORITIES, MOTOR VEHICLE DEALERS — SALE OF ANALYZER TO DEPARTMENT WHEN — REFORMULATED GASOLINE IN NONATTAINMENT AREA.** — 1. The commission may, by rule, establish a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355 for any portion of a nonattainment area located within the area described in subsection 1 of section 643.305, except for any portion of the nonattainment area which is located in a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census, except that the commission may establish a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355 in such county only for motor vehicles owned by residents of such county who have chosen to [have a biennial motor vehicle registration pursuant to section 301.147, RSMo, if the commission determines that such motor vehicle emissions inspection program is necessary in that area to comply with the requirements of subsection 1 of section 643.305]

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**participate in such a program in lieu of the provisions of section 307.366, RSMo.** The commission shall ensure that, for each nonattainment area, the state implementation plan established pursuant to subsection 1 of section 643.305 incorporates and receives all applicable credits allowed by the United States Environmental Protection Agency for emission reduction programs in other nonattainment areas of like designation in other states. The commission shall ensure that emission reduction amounts established pursuant to subsection 2 of section 643.305 shall be consistent with and not exceed the emissions reduction amounts required by the United States Environmental Protection Agency for other nonattainment areas of like designation in other states. No motor vehicle emissions inspection program shall be required to comply with subsection 1 of section 643.305 unless the plan established thereunder takes full advantage of any changes in requirements or any agreements made or entered into by the United States Environmental Protection Agency and any entity or entities on behalf of a nonattainment area concerning compliance with National Ambient Air Quality Standards of the federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq., and the regulations promulgated thereunder. The air conservation commission shall request and it shall be the duty of the attorney general to bring, in a court of competent jurisdiction, an action challenging the authority of the United States Environmental Protection Agency to impose sanctions for failure to attain National Ambient Air Quality Standards and failure to provide for required emission reductions under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. The action shall seek to define the required emission reductions and the credits allowed for current and planned emission reductions measures. The air conservation commission shall request and it shall be the duty of the attorney general to bring an action to obtain injunctive relief to enjoin and restrain the imposition of sanctions on the state of Missouri under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq., until all actions initiated pursuant to this section have been decided. Provisions of section 307.366, RSMo, to the contrary notwithstanding, the requirements of sections 643.300 to 643.355 shall apply to those areas designated by the commission pursuant to this section in lieu of the provisions of section 307.366, RSMo.

2. No later than the effective date of this section, the department of natural resources and the Missouri highway patrol shall enter into an interagency agreement covering all aspects of the administration and enforcement of section 307.366, RSMo, and sections 643.300 to 643.355.

3. (1) The department, with the cooperation and approval of the commissioner of administration, shall select a person or persons to operate an inspection facility or inspection program pursuant to sections 643.300 to 643.355, under a bid procedure or under a negotiated process or a combination thereof based on criteria and expectations established by the department. This process may use either a licensing arrangement or contractual arrangement with the selected party or parties. The selection of persons to operate inspection facilities or inspection programs shall be exempt from the provisions of all site procurement laws. The number of locations shall be no less than the number needed to provide adequate service to customers and establish an emissions inspection program which satisfies the requirements of this section. Each person who is authorized to operate a station pursuant to this section shall be capable of providing adequate and cost-effective service to customers.

(2) Service management, coordination and data processing may be provided by the department or by another person, including a contractor or licensee, based upon the most cost-effective proposal for service.

(3) A license or contract shall be for a period of up to seven years, consistent with the provisions of article IV, section 28 of the Missouri Constitution, and licenses or contracts shall be annually reviewed. A license or contract may be suspended or revoked if the licensee or contractor is not meeting the conditions of sections 643.300 to 643.355, all applicable rules, the license agreement or contract as determined by the department. A licensee or contractor found to have violated sections 643.300 to 643.355, applicable rules or the conditions of the license agreement or contract shall be in violation of section 643.151 and subject to the penalties provided thereunder.

4. The inspection program shall satisfy the following criteria:

(1) There shall be an adequate number of stations to ensure that no more than twenty percent of all persons residing in an affected nonattainment area reside farther than five miles from the nearest inspection station, and consideration shall be given to employment, locations and commuting patterns when selecting the locations of the stations;

(2) There shall be an adequate number of inspection lanes at each facility so that no more than five percent of all persons having an inspection are required to wait more than fifteen minutes before the inspection begins;

(3) The days and daily hours of operation shall include at least those hours specified by the department, which shall include, at a minimum, twelve continuous hours of operation on all weekdays excepting federal holidays, and six continuous hours of operation on all Saturdays excepting federal holidays;

(4) The emissions inspection program shall include a simulated on-road emissions inspection component, including pressure and purge tests, which satisfies the requirements established by regulation of the United States Environmental Protection Agency and may include a visual inspection component;

(5) The inspection stations shall be test-only stations and shall not offer motor vehicle emissions repairs, parts or services of any kind;

(6) No person operating or employed by an emissions inspection station shall repair or maintain motor vehicle emission systems or pollution control devices for compensation of any kind.

5. The commission, the department of economic development and the office of administration shall, in cooperation with the minority business advocacy commission, select the contractor or contractors to provide an inspection program which satisfies the minimum requirements of this section in accordance with the requirements of section 33.752, RSMo, and chapter 34, RSMo. The commission, the office of administration and the department of economic development, in cooperation with the minority business advocacy commission shall ensure adequate minority business participation in the selection of the contractor or contractors to provide an inspection program pursuant to this section. The commission, the office of administration and the department of economic development shall ensure adequate participation of Missouri businesses in the selection of the contractor or contractors to provide an inspection program pursuant to this section.

6. With approval of the commission and pursuant to rules adopted by the commission, an organization whose members are motor vehicle dealers or leasing companies may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned and held for sale or lease by the members of the organization. With approval of the commission and pursuant to rules adopted by the commission, any person operating a fleet of five hundred or more motor vehicles may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned or leased and operated by the person establishing the facility. The inspections performed in facilities established pursuant to this subsection shall be performed by a contractor selected by the commission pursuant to this section and the contractor performing such inspections shall be responsible solely to the department and shall satisfy all applicable requirements of sections 643.300 to 643.355.

7. Any person who owns Missouri analyzer system emission inspection equipment as defined by rule, used to provide emissions inspections pursuant to section 307.366, RSMo, at a facility located in an area in which an emissions inspection program has been established pursuant to sections 643.300 to 643.355 may, within twelve months of the implementation of an emissions inspection program pursuant to sections 643.300 to 643.355, sell such equipment, to the department of natural resources at current market value as established by an independent appraisal provided that the equipment is fully functional and has been maintained according to all applicable manufacturer's specifications and procedures. The department shall purchase such

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equipment using funds appropriated for that purpose from the Missouri air emission reduction fund. Any person who, prior to January 1, 1992, contracted to lease or lease purchase, or purchased by borrowing a portion of the funds secured by a chattel mortgage, Missouri analyzer system emission inspection equipment used to provide emissions inspections pursuant to section 307.366, RSMo, at a facility located in an area in which an emissions inspection program has been established pursuant to sections 643.300 to 643.355, and has made all payments required under the contract, may, within twelve months of the implementation of an emissions inspection program pursuant to sections 643.300 to 643.355, request the department of natural resources to take possession of such equipment and assume all payment obligations owed on such equipment which obligations are not in excess of one hundred and twenty-five percent of the current market value as established by an independent appraisal, provided that the equipment is fully functional and has been maintained according to all applicable manufacturer's specifications and procedures. The department shall take possession of such equipment and pay such obligations using funds appropriated for that purpose from the Missouri air emission reduction fund.

8. If the governor applies to the administrator of the Environmental Protection Agency to require federal reformulated gasoline in nonattainment areas, nothing in sections 643.300 to 643.355 shall prevent the storage of conventional gasoline in nonattainment areas which is intended for sale to agricultural, commercial or retail customers outside said nonattainment areas subject to reformulated gasoline.

9. The governor, the department of natural resources, and the commission shall work to ensure an orderly transition period in the nonattainment area for the introduction of reformulated gasoline. Priority shall be given to ensure the petroleum refiners ample time to organize, structure, and implement both the production and the delivery of reformulated gasoline to the nonattainment area, so that consumers will see an orderly, seamless market substitution.

**643.315. MOTOR VEHICLES SUBJECT TO PROGRAM, WHEN, EXCEPTIONS — RECIPROCITY WITH OTHER STATES — DEALER INSPECTION, RETURN OF MOTOR VEHICLE FOR FAILING INSPECTION, OPTIONS, VIOLATION.** — 1. Except as provided in sections 643.300 to 643.355, all motor vehicles which are domiciled, registered or primarily operated in an area for which the commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355, which may include all motor vehicles owned by residents of a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census who have chosen to [have a biennial motor vehicle registration pursuant to section 301.147] **participate in such a program in lieu of the provisions of section 307.366, RSMo,** shall be inspected and approved prior to sale or transfer. In addition, any such vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved under the emissions inspection program established pursuant to sections 643.300 to 643.355 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved under the emissions inspection program established pursuant to sections 643.300 to 643.355 in each odd-numbered calendar year. All motor vehicles subject to the inspection requirements of sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and when applicable, a valid emissions inspection certificate shall be presented at the time of registration or registration renewal of such motor vehicle.

2. No emission standard established by the commission for a given make and model year shall exceed the lesser of the following:

(1) The emission standard for that vehicle model year as established by the United States Environmental Protection Agency; or

(2) The emission standard for that vehicle make and model year as established by the vehicle manufacturer.

3. The inspection requirement of subsection 1 of this section shall apply to all motor vehicles except:

(1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;

(2) Motorcycles and motortricycles if such vehicles are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;

(3) Model year vehicles prior to 1971;

(4) Vehicles which are powered exclusively by electric or hydrogen power or by fuels other than gasoline which are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;

(5) Motor vehicles registered in an area subject to the inspection requirements of sections 643.300 to 643.355 which are domiciled and operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355, but only if the owner of such vehicle presents to the department an affidavit that the vehicle will be operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355 for the next twenty-four months, and the owner applies for and receives a waiver which shall be presented at the time of registration or registration renewal;

(6) New and unused motor vehicles, of model years of the current calendar year and of any calendar year within two years of such calendar year, which have an odometer reading of less than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user; and

(7) Historic motor vehicles registered pursuant to section 301.131, RSMo.

4. The commission may, by rule, allow inspection reciprocity with other states having equivalent or more stringent testing and waiver requirements than those established pursuant to sections 643.300 to 643.355.

5. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550, RSMo, may choose to sell a motor vehicle subject to the inspection requirements of sections 643.300 to 643.355 either:

(a) With prior inspection and approval as provided in subdivision (2) of this subsection; or

(b) Without prior inspection and approval as provided in subdivision (3) of this subsection.

(2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established pursuant to sections 643.300 to 643.355 or by obtaining a waiver pursuant to section 643.335. A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected and approved within the one hundred twenty days immediately preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection shall be considered timely.

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within ten days of the date of purchase, provided that the vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days or the purchaser and dealer may enter into any other mutually acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle within ten days, provided that the vehicle has no more than one thousand additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, or enter into any mutually acceptable agreement with the dealer. A violation of this subdivision shall be an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be

required pursuant to sections 643.300 to 643.360 for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of section 307.380, RSMo.

Approved June 19, 2003

SB 55 [SS#2 SCS SB 55]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Renames Missouri Southern State College as Missouri Southern State University-Joplin.**

AN ACT to repeal sections 173.005, 174.020, 174.231, 174.241, 174.324, and 174.450, RSMo, and to enact in lieu thereof six new sections relating to state institutions of higher education.

SECTION

- A. Enacting clause.
- 173.005. Department of higher education created — agencies, divisions, transferred to department — coordinating board, appointment qualifications, terms, compensation, duties, advisory committee, members.
- 174.020. Names of state colleges.
- 174.231. Missouri Southern State University, mission statement — discontinuance of associate degree program.
- 174.241. Boards of regents, Missouri Western College — appointment, terms, qualifications.
- 174.324. Master's degrees in accounting authorized for Missouri Western College and Missouri Southern State University-Joplin, requirements — limitations on new master's degree programs.
- 174.450. Board of governors to be appointed for certain public institutions of higher education, qualifications — board of regents abolished, when.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 173.005, 174.020, 174.231, 174.241, 174.324, and 174.450, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 173.005, 174.020, 174.231, 174.241, 174.324, and 174.450, to read as follows:

**173.005. DEPARTMENT OF HIGHER EDUCATION CREATED — AGENCIES, DIVISIONS, TRANSFERRED TO DEPARTMENT — COORDINATING BOARD, APPOINTMENT QUALIFICATIONS, TERMS, COMPENSATION, DUTIES, ADVISORY COMMITTEE, MEMBERS.** — 1. There is hereby created a "Department of Higher Education", and the division of higher education of the department of education is abolished and all its powers, duties, functions, personnel and property are transferred as provided by the Reorganization Act of 1974, Appendix B, RSMo.

2. The commission on higher education is abolished and all its powers, duties, personnel and property are transferred by type I transfer to the "Coordinating Board for Higher Education", which is hereby created, and the coordinating board shall be the head of the department. The coordinating board shall consist of nine members appointed by the governor with the advice and consent of the senate, and not more than five of its members shall be of the same political party. None of the members shall be engaged professionally as an educator or educational administrator with a public or private institution of higher education at the time appointed or during his term. The other qualifications, terms and compensation of the coordinating board shall be the same as provided by law for the curators of the University of Missouri. The coordinating board may, in order to carry out the duties prescribed for it in subsections 1, 2, 3, 7, and 8 of this section, employ such professional, clerical and research personnel as may be necessary to assist it in performing those duties, but this staff shall not, in any fiscal year, exceed twenty-five full-time

equivalent employees regardless of the source of funding. In addition to all other powers, duties and functions transferred to it, the coordinating board for higher education shall have the following duties and responsibilities:

(1) The coordinating board for higher education shall have approval of proposed new degree programs to be offered by the state institutions of higher education;

(2) **The coordinating board for higher education may promote and encourage the development of cooperative agreements between Missouri public four-year institutions of higher education which do not offer graduate degrees and Missouri public four-year institutions of higher education which do offer graduate degrees for the purpose of offering graduate degree programs on campuses of those public four-year institutions of higher education which do not otherwise offer graduate degrees. Such agreements shall identify the obligations and duties of the parties, including assignment of administrative responsibility. Any diploma awarded for graduate degrees under such a cooperative agreement shall include the names of both institutions inscribed thereon. Any cooperative agreement in place as of August 28, 2003, shall require no further approval from the coordinating board for higher education. Any costs incurred with respect to the administrative provisions of this subdivision may be paid from state funds allocated to the institution assigned the administrative authority for the program. The provisions of this subdivision shall not be construed to invalidate the provisions of subdivision (1) of this subsection;**

[(2)] (3) In consultation with the heads of the institutions of higher education affected and against a background of carefully collected data on enrollment, physical facilities, manpower needs, institutional missions, the coordinating board for higher education shall establish guidelines for appropriation requests by those institutions of higher education; however, other provisions of the Reorganization Act of 1974 notwithstanding, all funds shall be appropriated by the general assembly to the governing board of each public four-year institution of higher education which shall prepare expenditure budgets for the institution;

[(3)] (4) No new state-supported senior colleges or residence centers shall be established except as provided by law and with approval of the coordinating board for higher education;

[(4)] (5) The coordinating board for higher education shall establish admission guidelines consistent with institutional missions;

[(5)] (6) The coordinating board shall establish policies and procedures for institutional decisions relating to the residence status of students;

[(6)] (7) The coordinating board shall establish guidelines to promote and facilitate the transfer of students between institutions of higher education within the state;

[(7)] (8) The coordinating board shall collect the necessary information and develop comparable data for all institutions of higher education in the state. The coordinating board shall use this information to delineate the areas of competence of each of these institutions and for any other purposes deemed appropriate by the coordinating board;

[(8)] (9) Compliance with requests from the coordinating board for institutional information and the other powers, duties and responsibilities, herein assigned to the coordinating board, shall be a prerequisite to the receipt of any funds for which the coordinating board is responsible for administering; and

[(9)] (10) If any institution of higher education in this state, public or private, willfully fails or refuses to follow any lawful guideline, policy or procedure established or prescribed by the coordinating board, or knowingly deviates from any such guideline, or knowingly acts without coordinating board approval where such approval is required, or willfully fails to comply with any other lawful order of the coordinating board, the coordinating board may, after a public hearing, withhold or direct to be withheld from that institution any funds the disbursement of which is subject to the control of the coordinating board, or may remove the approval of the institution as an "approved institution" within the meaning of section 173.205, but nothing in this section shall prevent any institution of higher education in this state from presenting additional

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budget requests or from explaining or further clarifying its budget requests to the governor or the general assembly.

3. The coordinating board shall meet at least four times annually with an advisory committee who shall be notified in advance of such meetings. The coordinating board shall have exclusive voting privileges. The advisory committee shall consist of thirty-two members, who shall be the president or other chief administrative officer of the University of Missouri; the chancellor of each campus of the University of Missouri; the president of each state-supported four-year college or university, including Harris-Stowe State College, Missouri Southern State [College] **University-Joplin**, Missouri Western State College, and Lincoln University; the president of Linn State Technical College; the president or chancellor of each public community college district; and representatives of each of five accredited private institutions selected biennially, under the supervision of the coordinating board, by the presidents of all of the state's privately supported institutions; but always to include at least one representative from one privately supported junior college, one privately supported four-year college, and one privately supported university. The conferences shall enable the committee to advise the coordinating board of the views of the institutions on matters within the purview of the coordinating board.

4. The University of Missouri, Lincoln University, and all other state-governed colleges and universities, chapters 172, 174 and 175, RSMo, and others, are transferred by type III transfers to the department of higher education subject to the provisions of subsection 2 of this section.

5. The state historical society, chapter 183, RSMo, is transferred by type III transfer to the University of Missouri.

6. The state anatomical board, chapter 194, RSMo, is transferred by type II transfer to the department of higher education.

7. All the powers, duties and functions vested in the division of public schools and state board of education relating to community college state aid and the supervision, formation of districts and all matters otherwise related to the state's relations with community college districts and matters pertaining to community colleges in public school districts, chapters 163 and 178, RSMo, and others, are transferred to the coordinating board for higher education by type I transfer. Provided, however, that all responsibility for administering the federal-state programs of vocational-technical education, except for the 1202a post-secondary educational amendments of 1972 program, shall remain with the department of elementary and secondary education. The department of elementary and secondary education and the coordinating board for higher education shall cooperate in developing the various plans for vocational-technical education; however, the ultimate responsibility will remain with the state board of education.

8. The administration of sections 163.171 and 163.181, RSMo, relating to teacher-training schools in cities, is transferred by type I transfer to the coordinating board for higher education.

9. All the powers, duties, functions, personnel and property of the state library and state library commission, chapter 181, RSMo, and others, are transferred by type I transfer to the coordinating board for higher education, and the state library commission is abolished. The coordinating board shall appoint a state librarian who shall administer the affairs of the state library under the supervision of the board.

10. All the powers, duties, functions, and properties of the state poultry experiment station, chapter 262, RSMo, are transferred by type I transfer to the University of Missouri, and the state poultry association and state poultry board are abolished. In the event the University of Missouri shall cease to use the real estate of the poultry experiment station for the purposes of research or shall declare the same surplus, all real estate shall revert to the governor of the state of Missouri and shall not be disposed of without legislative approval.

**174.020. NAMES OF STATE COLLEGES.** — 1. State institutions of higher education governed by sections 174.020 to [174.320] **174.500** shall be named and known as follows: the institution at Warrensburg, Johnson County, shall hereafter be known as the "Central Missouri State University"; the institution at Cape Girardeau, Cape Girardeau County, shall hereafter be

known as the "Southeast Missouri State University"; the institution at Springfield, Greene County, shall hereafter be known as the "Southwest Missouri State University"; the institution at Maryville, Nodaway County, shall hereafter be known as the "Northwest Missouri State University"; the college at St. Joseph, Buchanan County, shall hereafter be known as the "Missouri Western State College"; the [college] **institution** at Joplin, Jasper County, shall hereafter be known as the "Missouri Southern State [College] **University-Joplin**"; and the college in the city of St. Louis shall be known as "Harris-Stowe State College".

2. References in the statutes in this state to such institutions whether denominated colleges or universities in such statutes **or whether said institutions are renamed in subsection 1 of this section** shall continue to apply to the applicable institution.

**3. Any costs incurred with respect to modifications of the names of the state colleges and universities specified in subsection 1 of this section shall not be paid from state funds.**

[3.] **4.** When the conditions set forth in section 178.631, RSMo, are met, the technical college located in Osage County, commonly known as the East Campus of Linn Technical College, shall be known as "Linn State Technical College".

**174.231. MISSOURI SOUTHERN STATE UNIVERSITY, MISSION STATEMENT — DISCONTINUANCE OF ASSOCIATE DEGREE PROGRAM. — 1. After August 28, 2003, the institution formerly known as Missouri Southern State College located in Joplin, Jasper County, shall be known as "Missouri Southern State University-Joplin". Missouri Southern State University-Joplin is hereby designated and shall hereafter be operated as a statewide institution of international or global education.** The Missouri Southern State [College located in Joplin, Jasper County,] **University-Joplin** is hereby designated a moderately selective institution which shall provide associate [and] **degree programs except as provided in subsection 2 of this section**, baccalaureate degree programs [which meet the needs of the citizens, businesses, and industries of its service area as defined in section 174.010, as well as counties contiguous to Jasper County], **and graduate degree programs pursuant to subdivisions (1) and (2) of subsection 2 of section 173.005, RSMo.** The institution shall develop such academic support programs and public service activities it deems necessary and appropriate to establish international or global education as a distinctive theme of its mission. Consistent with the provisions of section 174.324, Missouri Southern State [College] **University-Joplin** is authorized to offer master's level degree programs in accountancy, subject to the approval of the coordinating board for higher education as provided in subdivision (1) of subsection 2 of section 173.005, RSMo.

**2. As of July 1, 2008, Missouri Southern State University-Joplin shall discontinue any and all associate degree programs unless the continuation of such associate degree programs is approved by the coordinating board for higher education pursuant to subdivision (1) of subsection 2 of section 173.005, RSMo.**

**174.241. BOARDS OF REGENTS, MISSOURI WESTERN COLLEGE — APPOINTMENT, TERMS, QUALIFICATIONS. — 1.** The board of regents of Missouri Western State College [and the board of regents for Missouri Southern State College] shall consist of six members [each], who shall be appointed by the governor, by and with the advice and consent of the senate, and shall be responsible for the administration of [its] **the** college. All persons appointed to [either] **the** board of regents shall be citizens of the United States and shall have been residents of the state of Missouri for two successive years next preceding the date of their appointment, shall be residents of the district in which the college is located, and not more than three members of [either] **the** board of regents shall belong to the same political party.

2. The term of service of the members of [both boards] **the board** of regents shall be six years, the term of one member expiring each year, except that of the members first appointed, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, and one for a term of six years.

The governor shall first appoint members to [each] **the** board of regents prior to October 13, 1975.

**174.324. MASTER'S DEGREES IN ACCOUNTING AUTHORIZED FOR MISSOURI WESTERN COLLEGE AND MISSOURI SOUTHERN STATE UNIVERSITY-JOPLIN, REQUIREMENTS — LIMITATIONS ON NEW MASTER'S DEGREE PROGRAMS. — 1.** Notwithstanding any law to the contrary, Missouri Western State College and Missouri Southern State [College] **University-Joplin** may offer master's degrees in accounting, subject to any terms and conditions of the Missouri state board of accountancy applicable to any other institution of higher education in this state which offers such degrees, and subject to approval of the coordinating board for higher education.

**2. Any new masters degree program offered at Missouri Southern State University-Joplin or any other public institution of higher education in this state must be approved by the coordinating board for higher education pursuant to the provisions of subdivision (1) or (2) of subsection 2 of section 173.005, RSMo.**

**174.450. BOARD OF GOVERNORS TO BE APPOINTED FOR CERTAIN PUBLIC INSTITUTIONS OF HIGHER EDUCATION, QUALIFICATIONS — BOARD OF REGENTS ABOLISHED, WHEN. —** The governing board of Central Missouri State University, Southwest Missouri State University, **Missouri Southern State University-Joplin**, and of each other public institution of higher education which, through the procedures established in subdivision (7) or (8) of section 173.030, RSMo, is charged with a statewide mission shall be a board of governors consisting of eight members, composed of seven voting members and one nonvoting member as provided in sections 174.453 and 174.455, who shall be appointed by the governor of Missouri, by and with the advice and consent of the senate. No person shall be appointed a voting member who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years immediately prior to such appointment. Not more than four voting members shall belong to any one political party. The appointed members of the board of regents serving on the date of the statutory mission change shall become members of the board of governors on the effective date of the statutory mission change and serve until the expiration of the terms for which they were appointed. The board of regents of any such institution shall be abolished on the effective date of the statutory mission change, as prescribed in subdivision (7) or (8) of section 173.030, RSMo.

Approved July 11, 2003

## SB 61 [HCS SCS SB 61]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

### **Limits the private use of an individual's Social Security Number in certain situations.**

AN ACT to repeal section 59.480, RSMo, and to enact in lieu thereof two new sections relating to restrictions on use of personal identifying information, with an effective date.

#### SECTION

- A. Enacting clause.
- 59.480. Recording of discharges from armed forces — definitions — duties of recorders — disclosure of records, when.
- 407.1355. Social Security numbers, prohibited actions involving.

B. Effective date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 59.480, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 59.480 and 407.1355, to read as follows:

**59.480. RECORDING OF DISCHARGES FROM ARMED FORCES — DEFINITIONS — DUTIES OF RECORDERS — DISCLOSURE OF RECORDS, WHEN.** — [Any person who is the holder of a discharge, separation notice, certificate of service, report of transfer or discharge, or any other notice or document which is evidence of severance or transfer from military service and which contains a service record from the armed forces of the United States may demand that such document be recorded by the recorder of deeds of any county in this state, including the recorder of deeds of the city of St. Louis, and it shall be the duty of the recorder of deeds to record the document without any fee or compensation therefor.] **1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:**

(1) "Authorized party", any of the following:

(a) The person who is the subject of the document;

(b) The representative of a person who is the subject of the document or the agent of a person who is the subject of the document, including but not limited to, relatives, attorneys, attorneys in fact, conservators, guardians, and funeral directors; and who has authorization in writing from the person who is the subject of the document, the spouse of the person who is the subject of the document, a relative who is the next of kin of the person who is the subject of the document, a court, in order to represent the person who is the subject of the document or the executor of the person who was the subject of the document who is acting on behalf of the deceased subject of the document;

(c) Government agencies, including courts, that have an interest in assisting the subject of the document or in assisting the beneficiaries of the deceased subject of the document in obtaining a benefit;

(2) "Military discharge document", a discharge, separation notice, certificate of service, report of transfer or discharge, or any other notice or document which is evidence of severance or transfer from military service and which contains a service record from the armed forces of the United States, or any document that purports to represent a notice of separation from or service in any armed forces of the United States or any state, including but not limited to the department of defense form DD 214;

(3) "Recorder of deeds", the recorder of deeds in those counties where separate and the circuit clerk and ex officio recorder of deeds in those counties where the offices are combined.

**2. Military discharge documents shall be accepted for filing by the recorder of deeds in all counties and the city of St. Louis in this state without any fee or compensation therefore.**

**3. The recorder of deeds may refuse to accept any military discharge document that:**

(1) Is not an original or does not contain an original signature of an officer of the armed forces of the United States or a federal or state agency;

(2) Is not a certified copy from an agency of the federal or state government; or

(3) Appears to have alterations or erasures.

**4. On or after the effective date of this section, the recorder of deeds shall:**

(1) Maintain and make available to the public in its office an index containing only the name of the subject of a military discharge document;

(2) Maintain a separate index from publicly available information that contains only:

(a) The name of the subject of a military discharge document; and

(b) The location of the image of the military discharge document;

(3) Maintain the images of all military discharge documents separately from all other publicly available filed or recorded document images.

5. As part of any remote access system, the recorder of deeds shall not make available the location of the image or the image of the military discharge document.

6. Images of a military discharge document or copies thereof shall only be made available to an authorized party by submitting a notarized request form to the recorder of deeds. The recorder of deeds shall not receive a fee or compensation for a certified or uncertified copy of the military discharge document and shall not charge a notary fee for notarizing such request form.

7. Prior to the effective date of this section, the Recorders Association of Missouri shall adopt a request form and any rules necessary to implement the provisions of this section. The recorder of deeds in all counties and the city of St. Louis shall use and furnish the forms adopted by the Recorders Association of Missouri and comply with the rules adopted by the Recorders Association of Missouri.

8. A request form that contains more than one military discharge document shall not be accepted by the recorder of deeds.

9. The recorder of deeds shall keep all completed request forms for a period of at least five years and such forms shall be made available only to an authorized party in accordance with the provisions of this section.

10. In the event that military discharge documents, prior to the effective date of this section, have been commingled, and to the extent possible, a recorder of deeds may choose to enact the provisions of this section regarding the indexes and images.

11. On or after the effective date of this section, military discharge documents kept pursuant to this section shall not be reproduced or used in whole or in part for any commercial or speculative purposes.

12. Any individual, agency, or court which obtains information pursuant to this section shall not disseminate or disclose such information or any part thereof except as authorized in this section or otherwise by law.

13. The recorder of deeds shall not be liable for any damages that may result from good faith compliance with the provisions of this section.

407.1355. SOCIAL SECURITY NUMBERS, PROHIBITED ACTIONS INVOLVING. — 1. A person or entity, not including a state or local agency, shall not do any of the following:

(1) Publicly post or publicly display in any manner an individual's social security number. "Publicly post" or "publicly display" is defined in this section to intentionally communicate or otherwise make available to the general public;

(2) Require an individual to transmit his or her social security number over the Internet, unless the connection is secure or the social security number is encrypted;

(3) Require an individual to use his or her social security number to access an Internet web site, unless a password, unique personal identification number, or other authentication device is also required to access the Internet website.

2. Except as provided in subsection 3 of this section, the provisions of subsection 1 of this section apply only to the use of social security numbers on or after July 1, 2006.

3. Except as provided in subsection 6 of this section, a person or entity, not including a state or local agency, that has used, prior to July 1, 2006, an individual's social security number in a manner inconsistent with subsection 1 of this section, may continue using that individual's social security number in that manner on or after July 1, 2006, if any of the following conditions are met:

(1) The use of the social security number is continuous. If the use is stopped for any reason, subsection 1 of this section shall apply;

(2) The individual is provided an annual disclosure, beginning in 2006, that informs the individual that he or she has the right to stop the use of his or her social security number in a manner prohibited by subsection 1 of this section; or

(3) A written request by an individual to stop the use of his or her social security number in a manner prohibited by subsection 1 of this section shall be implemented within thirty days of the receipt of the request. There shall be no fee or charge for implementing the request.

A person or entity, not including a state or local agency, shall not deny services to an individual because the individual makes a written request pursuant to this subdivision.

4. This section does not prevent the collection, use, or release of a social security number as required by state or federal law or the use of a social security number for internal verification or administrative purposes.

5. This section does not apply to documents that are recorded or required to be open to the public pursuant to chapter 610, RSMo. This section does not apply to records that are required by statute, case law, or Missouri court rules, to be made available to the public.

6. If a federal law takes effect requiring the United States Department of Health and Human Services to establish a national unique patient health identifier program, any person or entity that complies with the federal law shall be deemed in compliance with this section.

**SECTION B. EFFECTIVE DATE.** — Section A of this act shall become effective January 1, 2005.

Approved June 27, 2003

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## SB 63 [SB 63]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### **Rulings on termination of parental rights shall be final for purposes of appeal.**

AN ACT to repeal section 211.477, RSMo, relating to parental rights, and to enact in lieu thereof one new section relating to the same subject.

#### **SECTION**

A. Enacting clause.

211.477. Order of termination, when issued — transfer of legal custody, to whom — alternatives to termination — power of court — granting or denial of petition deemed final judgment.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 211.477, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 211.477, to read as follows:

**211.477. ORDER OF TERMINATION, WHEN ISSUED — TRANSFER OF LEGAL CUSTODY, TO WHOM — ALTERNATIVES TO TERMINATION — POWER OF COURT — GRANTING OR DENIAL OF PETITION DEEMED FINAL JUDGMENT.** — 1. If, after the dispositional hearing, the court finds that one or more of the grounds set out in section 211.447 exists or that the parent has consented to the termination pursuant to section 211.444 and that it is in the best interests of the

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child, the court may terminate the rights of the parent in and to the child. After ordering termination and after consideration of the social study and report, the court shall transfer legal custody to:

- (1) The division of family services;
- (2) A private child-placing agency;
- (3) A foster parent, relative or other person participating in the proceedings pursuant to section 211.464; or

- (4) Any other person or agency the court deems suitable to care for the child.

2. If only one parent consents or if the conditions specified in section 211.447 are found to exist as to only one parent, the rights of only that parent with reference to the child may be terminated and the rights of the other parent shall not be affected.

3. The court may order termination whether or not the child is in adoptive placement or an adoptive placement is available for the child.

4. If, after the dispositional hearing, the court finds that one or more of the grounds set out in section 211.447 exists, but that termination is not in the best interests of the child because the court finds that the child would benefit from the continued parent-child relationship or because the child is fourteen or more years of age and objects to the termination, the court may:

- (1) Dismiss the petition and order that the child be returned to the custody of the parent;
- (2) Retain jurisdiction of the case and order that the child be placed in the legal custody of the parent, the division, a private child-caring or placing agency, a foster parent, relative or other suitable person who is able to provide long-term care for the child. Any order of the court under this subdivision shall designate the period of time it shall remain in effect, with mandatory review by the court no later than six months thereafter. The court shall also specify what residual rights and responsibilities remain with the parent. Any individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by the court; or

- (3) Appoint a guardian under the provisions of chapter 475, RSMo.

5. Orders of the court issued pursuant to sections 211.442 to 211.487 shall recite the jurisdictional facts, factual findings on the existence of grounds for termination and that the best interests of the child are served by the disposition stated in the order.

**6. The granting or denial of a petition for termination of parental rights shall be deemed a final judgment for purposes of appeal.**

Approved June 27, 2003

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## SB 68 [HCS SB 68]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Modifies provision regarding refunds of ambulance and fire protection district sales tax.**

AN ACT to repeal sections 190.100 and 321.552, RSMo, and to enact in lieu thereof two new sections relating to sales tax for ambulance and fire protection districts.

### SECTION

- A. Enacting clause.
  - 190.100. Definitions.
  - 321.552. Sales tax authorized in certain counties (all except Greene, Platte, Clay, St. Louis, and St. Charles counties) for ambulance and fire protection — ballot language — special trust fund established — refunds authorized.
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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 190.100 and 321.552, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 190.100 and 321.552, to read as follows:

**190.100. DEFINITIONS.** — As used in sections 190.001 to 190.245, the following words and terms mean:

(1) "Advanced life support (ALS)", an advanced level of care as provided to the adult and pediatric patient such as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

(2) "Ambulance", any privately or publicly owned vehicle or craft that is specially designed, constructed or modified, staffed or equipped for, and is intended or used, maintained or operated for the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or who require the presence of medical equipment being used on such individuals, but the term does not include any motor vehicle specially designed, constructed or converted for the regular transportation of persons who are disabled, handicapped, normally using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;

(3) "Ambulance service", a person or entity that provides emergency or nonemergency ambulance transportation and services, or both, in compliance with sections 190.001 to 190.245, and the rules promulgated by the department pursuant to sections 190.001 to 190.245;

(4) "Ambulance service area", a specific geographic area in which an ambulance service has been authorized to operate;

(5) "Basic life support (BLS)", a basic level of care, as provided to the adult and pediatric patient as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

(6) "Council", the state advisory council on emergency medical services;

(7) "Department", the department of health and senior services, state of Missouri;

(8) "Director", the director of the department of health and senior services or the director's duly authorized representative;

(9) "Dispatch agency", any person or organization that receives requests for emergency medical services from the public, by telephone or other means, and is responsible for dispatching emergency medical services;

(10) "Emergency", the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent layperson, possessing an average knowledge of health and medicine, to believe that the absence of immediate medical care could result in:

(a) Placing the person's health, or with respect to a pregnant woman, the health of the woman or her unborn child, in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain;

(11) "Emergency medical dispatcher", a person who receives emergency calls from the public and has successfully completed an emergency medical dispatcher course, meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(12) "Emergency medical response agency", any person that regularly provides a level of care that includes first response, basic life support or advanced life support, exclusive of patient transportation;

(13) "Emergency medical services for children (EMS-C) system", the arrangement of personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency

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medical services required in prevention and management of incidents which occur as a result of a medical emergency or of an injury event, natural disaster or similar situation;

(14) "Emergency medical services (EMS) system", the arrangement of personnel, facilities and equipment for the effective and coordinated delivery of emergency medical services required in prevention and management of incidents occurring as a result of an illness, injury, natural disaster or similar situation;

(15) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by the department pursuant to sections 190.001 to 190.245;

(16) "Emergency medical technician-basic" or "EMT-B", a person who has successfully completed a course of instruction in basic life support as prescribed by the department and is licensed by the department in accordance with standards prescribed by sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

(17) "Emergency medical technician-intermediate" or "EMT-I", a person who has successfully completed a course of instruction in certain aspects of advanced life support care as prescribed by the department[, and is serving with an emergency medical response agency licensed in any county of the first classification without a charter form of government and with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants, any county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants, or any county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants,] and is licensed by the department in accordance with sections 190.001 to 190.245 and rules and regulations adopted by the department pursuant to sections 190.001 to 190.245;

(18) "Emergency medical technician-paramedic" or "EMT-P", a person who has successfully completed a course of instruction in advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

(19) "Emergency services", health care items and services furnished or required to screen and stabilize an emergency which may include, but shall not be limited to, health care services that are provided in a licensed hospital's emergency facility by an appropriate provider or by an ambulance service or emergency medical response agency;

(20) "First responder", a person who has successfully completed an emergency first response course meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245 and who provides emergency medical care through employment by or in association with an emergency medical response agency;

(21) "Health care facility", a hospital, nursing home, physician's office or other fixed location at which medical and health care services are performed;

(22) "Hospital", an establishment as defined in the hospital licensing law, subsection 2 of section 197.020, RSMo, or a hospital operated by the state;

(23) "Medical control", supervision provided by or under the direction of physicians to providers by written or verbal communications;

(24) "Medical direction", medical guidance and supervision provided by a physician to an emergency services provider or emergency medical services system;

(25) "Medical director", a physician licensed pursuant to chapter 334, RSMo, designated by the ambulance service or emergency medical response agency and who meets criteria specified by the department by rules pursuant to sections 190.001 to 190.245;

(26) "Memorandum of understanding", an agreement between an emergency medical response agency or dispatch agency and an ambulance service or services within whose territory the agency operates, in order to coordinate emergency medical services;

(27) "Patient", an individual who is sick, injured, wounded, diseased, or otherwise incapacitated or helpless, or dead, excluding deceased individuals being transported from or between private or public institutions, homes or cemeteries, and individuals declared dead prior to the time an ambulance is called for assistance;

(28) "Person", as used in these definitions and elsewhere in sections 190.001 to 190.245, any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, public trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

(29) "Physician", a person licensed as a physician pursuant to chapter 334, RSMo;

(30) "Political subdivision", any municipality, city, county, city not within a county, ambulance district or fire protection district located in this state which provides or has authority to provide ambulance service;

(31) "Professional organization", any organized group or association with an ongoing interest regarding emergency medical services. Such groups and associations could include those representing volunteers, labor, management, firefighters, EMT-B's, nurses, EMT-P's, physicians, communications specialists and instructors. Organizations could also represent the interests of ground ambulance services, air ambulance services, fire service organizations, law enforcement, hospitals, trauma centers, communication centers, pediatric services, labor unions and poison control services;

(32) "Proof of financial responsibility", proof of ability to respond to damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules promulgated by the department, but in no event less than the statutory minimum required for motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

(33) "Protocol", a predetermined, written medical care guideline, which may include standing orders;

(34) "Regional EMS advisory committee", a committee formed within an emergency medical services (EMS) region to advise ambulance services, the state advisory council on EMS and the department;

(35) "Specialty care transportation", the transportation of a patient requiring the services of an emergency medical technician-paramedic who has received additional training beyond the training prescribed by the department. Specialty care transportation services shall be defined in writing in the appropriate local protocols for ground and air ambulance services and approved by the local physician medical director. The protocols shall be maintained by the local ambulance service and shall define the additional training required of the emergency medical technician-paramedic;

(36) "Stabilize", with respect to an emergency, the provision of such medical treatment as may be necessary to attempt to assure within reasonable medical probability that no material deterioration of an individual's medical condition is likely to result from or occur during ambulance transportation unless the likely benefits of such transportation outweigh the risks;

(37) "State advisory council on emergency medical services", a committee formed to advise the department on policy affecting emergency medical service throughout the state;

(38) "State EMS medical directors advisory committee", a subcommittee of the state advisory council on emergency medical services formed to advise the state advisory council on emergency medical services and the department on medical issues;

(39) "Trauma", an injury to human tissues and organs resulting from the transfer of energy from the environment;

(40) "Trauma care" includes injury prevention, triage, acute care and rehabilitative services for major single system or multisystem injuries that potentially require immediate medical or surgical intervention or treatment;

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(41) "Trauma center", a hospital that is currently designated as such by the department.

**321.552. SALES TAX AUTHORIZED IN CERTAIN COUNTIES (ALL EXCEPT GREENE, PLATTE, CLAY, ST. LOUIS, AND ST. CHARLES COUNTIES) FOR AMBULANCE AND FIRE PROTECTION — BALLOT LANGUAGE — SPECIAL TRUST FUND ESTABLISHED — REFUNDS AUTHORIZED.** — 1. Except in any county of the first classification with over two hundred thousand inhabitants, or any county of the first classification without a charter form of government and with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants; or any county of the first classification without a charter form of government and with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants; or any county with a charter form of government with over one million inhabitants; or any county with a charter form of government with over two hundred eighty thousand inhabitants but less than three hundred thousand inhabitants, the governing body of any ambulance or fire protection district may impose a sales tax in an amount up to one-half of one percent on all retail sales made in such ambulance or fire protection district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, provided that such sales tax shall be accompanied by a reduction in the district's tax rate as defined in section 137.073, RSMo. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions of this section shall be effective unless the governing body of the ambulance or fire protection district submits to the voters of such ambulance or fire protection district, at a municipal or state general, primary or special election, a proposal to authorize the governing body of the ambulance or fire protection district to impose a tax pursuant to this section.

2. The ballot of submission shall contain, but need not be limited to, the following language:

"Shall ..... (insert name of ambulance or fire protection district) impose a sales tax of ..... (insert amount up to one-half) of one percent for the purpose of providing revenues for the operation of the ..... (insert name of ambulance or fire protection district) and the total property tax levy on properties in the ..... (insert name of the ambulance or fire protection district) shall be reduced annually by an amount which reduces property tax revenues by an amount equal to fifty percent of the previous year's revenue collected from this sales tax?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

3. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax authorized in this section shall be in effect and the governing body of the ambulance or fire protection district shall lower the level of its tax rate by an amount which reduces property tax revenues by an amount equal to fifty percent of the amount of sales tax collected in the preceding year. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the ambulance or fire protection district shall not impose the sales tax authorized in this section unless and until the governing body of such ambulance or fire protection district resubmits a proposal to authorize the governing body of the ambulance or fire protection district to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

4. All revenue received by a district from the tax authorized pursuant to this section shall be deposited in a special trust fund, and be used solely for the purposes specified in the proposal submitted pursuant to this section for so long as the tax shall remain in effect.

5. All sales taxes collected by the director of revenue pursuant to this section, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "Ambulance or Fire

Protection District Sales Tax Trust Fund". The moneys in the ambulance or fire protection district sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and the amount collected in each district imposing a sales tax pursuant to this section, and the records shall be open to inspection by officers of the county and to the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the governing body of the district which levied the tax; such funds shall be deposited with the board treasurer of each such district.

6. The director of revenue may [authorize the state treasurer to] make refunds from the amounts in the trust fund and credit any district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such district. If any district abolishes the tax, the district shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director of revenue shall remit the balance in the account to the district and close the account of that district. The director of revenue shall notify each district of each instance of any amount refunded or any check redeemed from receipts due the district.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

Approved July 1, 2003

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## SB 101 [HCS SB 101]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Allows Cass County to establish a municipal court system to prosecute ordinance violations.**

AN ACT to amend chapter 67, RSMo, by adding thereto one new section relating to violations of county ordinances.

### SECTION

A. Enacting clause.

67.2010. Certain counties may have associate circuit judges decide county ordinance violations (Cass County).

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 67, RSMo, is amended by adding thereto one new section, to be known as section 67.2010, to read as follows:

**67.2010. CERTAIN COUNTIES MAY HAVE ASSOCIATE CIRCUIT JUDGES DECIDE COUNTY ORDINANCE VIOLATIONS (CASS COUNTY).** — **1. Any county of the first classification with more than eighty-two thousand but less than eighty-two thousand one hundred inhabitants may elect to have the violations of county ordinances adopted pursuant to section 304.130, RSMo, heard and determined by an associate circuit judge of the circuit**

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in which the county is located; provided, however, if such election is made, all violations of that county's ordinances adopted pursuant to section 304.130, RSMo, shall be heard and determined before an associate circuit judge or judges. Nothing in this subsection shall preclude the transfer or assignment of another judge to hear and determine a case or class of cases when otherwise authorized by provisions of the constitution, law, or court rule.

2. If a county elects to have the violations of its county ordinances adopted pursuant to section 304.130, RSMo, heard and determined by an associate circuit judge, the associate circuit judge or judges shall commence hearing and determining such violations six months after the county notifies the presiding judge of the circuit of its election. With the consent of the presiding judge, the associate circuit judge or judges may commence hearing such violations at an earlier date.

Approved July 11, 2003

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SB 108 [SB 108]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Adds the Chief Information Officer to the State Records Commission.**

AN ACT to repeal section 109.250, RSMo, and to enact in lieu thereof one new section relating to the state records commission.

SECTION

A. Enacting clause.

109.250. State records commission established — members — duties — meetings.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 109.250, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 109.250, to read as follows:

**109.250. STATE RECORDS COMMISSION ESTABLISHED — MEMBERS — DUTIES — MEETINGS.** — 1. There is hereby created the "State Records Commission". It shall consist of the following members: The secretary of state, or his authorized representative, who shall act as chairman; the attorney general, or his authorized representative; the state auditor, or his authorized representative; the director of the forms management unit appointed pursuant to section 37.320, RSMo; a member of the house of representatives appointed by the speaker of the house; a member of the senate appointed by the president pro tem of the senate; [and] the director of the state historical society; **and the chief information officer.** The director of the records management and archives service will serve as secretary to the commission. While serving as secretary to the commission, he shall have no vote on matters considered by the commission.

2. It shall be the duty of the commission to determine what records no longer have any administrative, legal, research, or historical value and should be destroyed or disposed of otherwise. The commission will prescribe the procedures for compiling and submitting to the commission lists and schedules of records proposed for disposal and the procedures for the physical destruction or other disposition of records. Procedures prescribed by the commission

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will be promulgated by the director of the records management and archives service, only upon written approval of the commission.

3. The commission shall meet whenever called by the chairman.

Approved May 30, 2003

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## SB 120 [SB 120]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Allows Cass County to use a small portion of its property tax revenue for collection costs.**

AN ACT to repeal section 137.082, RSMo, relating to assessment of newly constructed property, and to enact in lieu thereof one new section relating to the same subject.

### SECTION

A. Enacting clause.

137.082. New construction, assessment of upon occupancy, how — payment of taxes, when — county assessor, duties — county option — natural disasters, assessment reduction allowed, effect.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 137.082, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 137.082, to read as follows:

**137.082. NEW CONSTRUCTION, ASSESSMENT OF UPON OCCUPANCY, HOW — PAYMENT OF TAXES, WHEN — COUNTY ASSESSOR, DUTIES — COUNTY OPTION — NATURAL DISASTERS, ASSESSMENT REDUCTION ALLOWED, EFFECT.** — 1. Notwithstanding the provisions of sections 137.075 and 137.080, to the contrary, a building or other structure classified as residential property pursuant to section 137.016, newly constructed and occupied on any parcel of real property shall be assessed and taxed on such assessed valuation as of the first day of the month following the date of occupancy for the proportionate part of the remaining year at the tax rates established for that year, in all taxing jurisdictions located in the county adopting this section as provided in subsection 8 of this section. Newly constructed residential property which has never been occupied shall not be assessed as improved real property until such occupancy or the first day of January of the second year following the year in which construction of the improvements was completed.

2. The assessor may consider a property residentially occupied upon personal verification or when any two of the following conditions have been met:

- (1) An occupancy permit has been issued for the property;
- (2) A deed transferring ownership from one party to another has been filed with the recorder of deeds' office subsequent to the date of the first permanent utility service;
- (3) A utility company providing service in the county has verified a transfer of service for property from one party to another;
- (4) The person or persons occupying the newly constructed property has registered a change of address with any local, state or federal governmental office or agency.

3. In implementing the provisions of this section, the assessor may use occupancy permits, building permits, warranty deeds, utility connection documents, including telephone connections, or other official documents as may be necessary to discover the existence of newly constructed

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properties. No utility company shall refuse to provide verification monthly to the assessor of a utility connection to a newly occupied single family building or structure.

4. In the event that the assessment under subsections 1 and 2 of this section is not completed until after the deadline for filing appeals in a given tax year, the owner of the newly constructed property who is aggrieved by the assessment of the property may appeal this assessment the following year to the county board of equalization in accordance with chapter 138, RSMo, and may pay any taxes under protest in accordance with section 139.031, RSMo. The collector shall impound such protested taxes and shall not disburse such taxes until resolution of the appeal.

5. The increase in assessed valuation resulting from the implementation of the provisions of this section shall be considered new construction and improvements under the provisions of this chapter.

6. In counties which adopt the provisions of subsections 1 to 7 of this section, an amount not to exceed ten percent of all ad valorem property tax collections on newly constructed and occupied residential property allocable to each taxing authority within counties of the first classification having a population of nine hundred thousand or more, one-tenth of one percent of all ad valorem property tax collections allocable to each taxing authority within all other counties of the first classification and one-fifth of one percent of all ad valorem property tax collections allocable to each taxing authority within counties of the second, third and fourth classifications **and any county of the first classification having a population of at least eighty-two thousand inhabitants, but less than eighty-two thousand one hundred inhabitants**, in addition to the amount prescribed by section 137.720 shall be deposited into the assessment fund of the county for collection costs.

7. For purposes of figuring the tax due on such newly constructed residential property, the assessor or the board of equalization shall place the full amount of the assessed valuation on the tax book upon the first day of the month following occupancy. Such assessed valuation shall be taxed for each month of the year following such date at its new assessed valuation, and for each month of the year preceding such date at its previous valuation. The percentage derived from dividing the number of months at which the property is taxed at its new valuation by twelve shall be applied to the total assessed valuation of the new construction and improvements, and such product shall be included in the next year's base for the purposes of figuring the next year's tax levy rollback. The untaxed percentage shall be considered as new construction and improvements in the following year and shall be exempt from the rollback provisions.

8. Subsections 1 to 7 of this section shall be effective in those counties including any city not within a county in which the governing body of such county elects to adopt a proposal to implement the provisions of subsections 1 to 7 of this section. Such subsections shall become effective in such county on the first day of January of the year following such election.

9. In any county which adopts the provisions of subsections 1 to 7 of this section prior to the first day of June in any year pursuant to subsection 8 of this section, the assessor of such county shall, upon application of the property owner, remove on a pro rata basis from the tax book for the current year any residential real property improvements destroyed by a natural disaster if such property is unoccupied and uninhabitable due to such destruction. On or after the first day of June, the board of equalization shall perform such duties. Any person claiming such destroyed property shall provide a list of such destroyed property to the county assessor. The assessor shall have available a supply of appropriate forms on which the claim shall be made. The assessor may verify all such destroyed property listed to ensure that the person made a correct statement. Any person who completes such a list and, with intent to defraud, includes property on the list that was not destroyed by a natural disaster shall, in addition to any other penalties provided by law, be assessed double the value of any property fraudulently listed. The list shall be filed by the assessor, after he has provided a copy of the list to the county collector and the board of equalization, in the office of the county clerk who, after entering the filing thereof, shall preserve and safely keep them. If the assessor, subsequent to such destruction,

considers such property occupied as provided in subsection 2 of this section, the assessor shall consider such property new construction and improvements and shall assess such property accordingly as provided in subsection 1 of this section. For the purposes of this section, the term "natural disaster" means any disaster due to natural causes such as tornado, fire, flood, or earthquake.

10. Any political subdivision may recover the loss of revenue caused by subsection 9 of this section by adjusting the rate of taxation, to the extent previously authorized by the voters of such political subdivision, for the tax year immediately following the year of such destruction in an amount not to exceed the loss of revenue caused by this section.

Approved July 9, 2003

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SB 121 [SB 121]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Includes Cass County in a certain planning and zoning program.**

AN ACT to repeal section 64.905, RSMo, relating to county planning and zoning, and to enact in lieu thereof one new section relating to the same subject.

SECTION

- A. Enacting clause.
- 64.905. Purpose of sections 64.800 to 64.905 — effect of adoption on preexisting program — Clay County and Cass County may operate pursuant to planning and zoning laws other than those of a county of the first classification.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 64.905, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 64.905, to read as follows:

**64.905. PURPOSE OF SECTIONS 64.800 TO 64.905 — EFFECT OF ADOPTION ON PREEXISTING PROGRAM — CLAY COUNTY AND CASS COUNTY MAY OPERATE PURSUANT TO PLANNING AND ZONING LAWS OTHER THAN THOSE OF A COUNTY OF THE FIRST CLASSIFICATION.** — 1. The provisions of sections 64.800 to 64.905 are established as an alternative to the provisions of sections 64.510 to 64.690 for counties of the second and third classifications, and as an alternative to the provisions of sections 64.211 to 64.295 for counties of the first classification not having a charter form of government.

2. Except as provided in subsections 4 and 5 of this section, if the voters of any county of the second or third classification adopt county planning or zoning pursuant to the provisions of sections 64.800 to 64.905 after having previously adopted county planning or zoning pursuant to the provisions of sections 64.510 to 64.690, the provisions of sections 64.800 to 64.905 shall be effective in the county, and the county planning or zoning shall be conducted thereafter as provided in sections 64.800 to 64.905 rather than as provided in sections 64.510 to 64.690.

3. Except as provided in subsections 4 and 5 of this section, any county of the second classification which adopts county planning or zoning pursuant to the provisions of sections 64.800 to 64.905 or 64.510 to 64.690 prior to becoming a county of the first classification not having a charter form of government shall continue to operate pursuant to those provisions as a county of the first classification until the county planning or zoning program is terminated

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pursuant to the provisions of section 64.900. After the termination of county planning or zoning pursuant to sections 64.800 to 64.905, the county commission of any county of the first classification not having a charter form of government may exercise all powers and duties prescribed by and may elect to come under the provisions of sections 64.211 to 64.295.

4. Notwithstanding the provisions of subsections 2 and 3 of this section, in any county of the first classification without a charter form of government which has a population of at least one hundred fifty thousand inhabitants which contains all or a portion of a city with a population of at least three hundred thousand inhabitants, **and in any county of the first classification without a charter form of government having a population of at least eighty-two thousand inhabitants, but less than eighty-two thousand one hundred inhabitants**, which has adopted planning and zoning prior to becoming a county of the first classification, the county governing body may, by ordinance, provide that the county's planning and zoning may be conducted as provided in sections 64.510 to 64.690, sections 64.800 to 64.905 or sections 64.211 to 64.295.

Approved July 9, 2003

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## SB 122 [SCS SB 122]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Enables the assessor in third class counties to make certain entries to the assessor's book after delivery of the book.**

AN ACT to amend chapter 137, RSMo, by adding thereto one new section relating to dates of delivery of certain assessors' tax books.

### SECTION

A. Enacting clause.

137.083. Assessor in counties of third classification may make changes in assessor's book, when, content, effective when county elects to adopt.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 137, RSMo, is amended by adding thereto one new section, to be known as section 137.083, to read as follows:

**137.083. ASSESSOR IN COUNTIES OF THIRD CLASSIFICATION MAY MAKE CHANGES IN ASSESSOR'S BOOK, WHEN, CONTENT, EFFECTIVE WHEN COUNTY ELECTS TO ADOPT. — 1.** In any county of the third classification, the assessor may make changes to the assessor's book after the date of delivery pursuant to section 137.245. The assessor may only make such changes if the ownership of a parcel of real property has changed since the latest entry in the assessor's book. An ownership change shall include both a full and a partial divestment of such real property and any additions thereto to a subsequent owner. The change to the assessor's book shall be limited to reallocating the assessed valuation of the property before such full or partial divestment among the prior and current owners to reflect such full or partial divestment.

**2.** Any increase in assessed valuation resulting from the implementation of the provisions of this section shall be considered new construction and improvements under the provisions of this chapter.

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3. Subsections 1 to 2 of this section shall be effective in those counties of the third classification in which the governing body of such county elects to adopt a proposal to implement the provisions of subsections 1 to 2 of this section.

Approved July 9, 2003

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SB 130 [HCS SCS SB 130]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Authorizes conveyance of state property along Knaust Road in St. Charles County.**

AN ACT to authorize the conveyance of property along 321 Knaust Road to St. Charles County, Missouri, with an emergency clause.

SECTION

1. Authority to convey property along Knaust Road to St. Charles County.
2. Governor authorized to convey property along 321 Knaust Road to St. Charles County for public road right-of-way.
- B. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION 1. AUTHORITY TO CONVEY PROPERTY ALONG KNAUST ROAD TO ST. CHARLES COUNTY. — 1.** The governor is hereby authorized to convey a temporary construction easement in property along 321 Knaust Road to St. Charles County, Missouri, for the purpose of public road right-of-way for the Knaust Road Improvement Project. The tract being a part of a tract of land in the North one-half of the Northwest one-quarter of the Fractional Section 3, Township 46 North - Range 3 East, St. Charles County, Missouri, as obtained from County records, more particularly described as follows:

Commencing at the Southwest corner of the North one-half of the Northwest one-quarter of said fractional Section 3, Township 46 North - Range 3 East; said point being the South West, corner of property conveyed to Lawrence. W. Riley and wife by deed recorded in Book 564 page 297 of the St. Charles County Records; thence Eastwardly along the South line of said North one-half of the Northwest one-quarter of Fractional Section 3, being also along said South line of the Riley property and its Eastwardly prolongation, North 89° 23' 14" East, 923.28 feet to a point in the East line of Knaust Road, 40 feet wide (as traveled); thence North 89° 23' 14" East; 12.53 feet to a point, said point being the point of beginning; thence North 4° 45' 8" West, 147.87 feet to a point; thence North 3° 34' 40" West, 128.60 feet to a point; thence North 6° 6' 40" West, 124.66 feet to a point; thence North 89° 22' 27" East, 15.29 feet to a point; thence South 7° 50' 51" East, 316.74 feet to a point; thence South 14° 37' 33" West, 50.97 feet to a point; thence South 8° 32' 32" East, 36.96 feet to a point; thence South 89° 22' 27" West, 17.61 feet to the point of beginning. Contains 8,846 square feet more or less.

2. The attorney general shall approve the form of the instruments of conveyance.

3. Consideration for the conveyance of title to the parcel of property shall be the fair market value of the property as determined by the commissioner of administration. Consideration may be received in the form of money paid to the state of Missouri.

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**SECTION 2. GOVERNOR AUTHORIZED TO CONVEY PROPERTY ALONG 321 KNAUST ROAD TO ST. CHARLES COUNTY FOR PUBLIC ROAD RIGHT-OF-WAY.** — 1. The governor is hereby authorized to convey property along 321 Knaust Road to St. Charles County, Missouri, for the purpose of public road right-of-way. The tract being a part of a tract of land in the North one-half of the Northwest one-quarter of the Fractional Section 3, Township 46 North - Range 3 East, St. Charles County, Missouri, as obtained from County records, more particularly described as follows:

A tract of land in the North one-half of the Northwest one-quarter of the Fractional Section 3, Township 46 North - Range 3 East, St. Charles County, Missouri, as obtained from County records, and being more particularly described as: Commencing at the Southwest corner of the North one-half of the Northwest one-quarter of said fractional Section 3, Township 46 North - Range 3 East; said point being the South West, corner of property conveyed to Lawrence. W. Riley and wife by deed recorded in Book 564 page 297 of the St. Charles County Records; thence Eastwardly along the South line of said North one-half of the Northwest one-quarter of Fractional Section 3, being also along said South line of the Riley property and its Eastwardly prolongation, North 89° 22' 27" East, 923.28 feet to a point in the East, line of Knaust Road 40 feet wide (as traveled); said point being the actual point of beginning; thence North 4° 45' 8" West, 146.95 feet to a point; thence North 3° 34' 40" West, 128.42 feet to a point; thence North 6° 6' 40" West, 125.76 feet to a point; thence North 89° 22' 27" East, 12.56 feet to a point; thence South 6° 6' 40" East 124.66 feet to a point; thence South 3° 34' 40" East, 128.60 feet to a point; thence South 4° 45' 8" East, 147.87 feet to a point; thence South 89° 22' 27" West, 12.53 feet to the point of beginning. Contains 5,012 square feet more or less.

2. The attorney general shall approve the form of the instruments of conveyance.

3. Consideration for the conveyance of title to the parcel of property shall be the fair market value of the property as determined by the commissioner of administration. Consideration may be received in the form of money paid to the state of Missouri.

**SECTION B. EMERGENCY CLAUSE.** — Because immediate action is necessary to prevent the disturbance of local elementary and secondary education institutions, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved July 1, 2003

SB 136 [HCS SB 136]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Changes filing and meeting dates for offices in political subdivisions and special districts.**

AN ACT to repeal sections 77.070, 115.127, and 162.301, RSMo, and to enact in lieu thereof three new sections relating to elections.

SECTION

A. Enacting clause.

77.070. President pro tem.

- 115.127. Notice of election, how, when given — striking names or issues from ballot, requirements — declaration of candidacy, officers for political subdivisions or special elections, filing date, when, notice requirements, exceptions for certain home rule cities — candidate withdrawing, ballot reprinting, cost, how paid.
- 162.301. Organization of board — quorum — officers.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 77.070, 115.127, and 162.301, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 77.070, 115.127, and 162.301, to read as follows:

**77.070. PRESIDENT PRO TEM.** — At the first regular meeting of the city council after the election in each year — which meeting shall occur at the time fixed by ordinance, but shall not be later than the [third] **fourth** Tuesday in April — the council shall elect one of its members president pro tem, who shall hold his office for the term of one year, and who, in the absence of the mayor, shall preside at the meetings of the council; provided, that in the absence of the mayor and president pro tem the council may select one of its members present to preside at such meetings, who shall be styled "acting president pro tem".

**115.127. NOTICE OF ELECTION, HOW, WHEN GIVEN — STRIKING NAMES OR ISSUES FROM BALLOT, REQUIREMENTS — DECLARATION OF CANDIDACY, OFFICERS FOR POLITICAL SUBDIVISIONS OR SPECIAL ELECTIONS, FILING DATE, WHEN, NOTICE REQUIREMENTS, EXCEPTIONS FOR CERTAIN HOME RULE CITIES — CANDIDATE WITHDRAWING, BALLOT REPRINTING, COST, HOW PAID.** — 1. Except as provided in subsection 4 of this section, upon receipt of notice of a special election to fill a vacancy submitted pursuant to section 115.125, the election authority shall cause legal notice of the special election to be published in a newspaper of general circulation in its jurisdiction. The notice shall include the name of the officer or agency calling the election, the date and time of the election, the name of the office to be filled and the date by which candidates must be selected or filed for the office. Within one week prior to each special election to fill a vacancy held in its jurisdiction, the election authority shall cause legal notice of the election to be published in two newspapers of different political faith and general circulation in the jurisdiction. The legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot. If there is only one newspaper of general circulation in the jurisdiction, the notice shall be published in the newspaper within one week prior to the election. If there are two or more newspapers of general circulation in the jurisdiction, but no two of opposite political faith, the notice shall be published in any two of the newspapers within one week prior to the election.

2. Except as provided in subsections 1 and 4 of this section and in sections 115.521, 115.549 and 115.593, the election authority shall cause legal notice of each election held in its jurisdiction to be published. The notice shall be published in two newspapers of different political faith and qualified pursuant to chapter 493, RSMo, which are published within the bounds of the area holding the election. If there is only one so qualified newspaper, then notice shall be published in only one newspaper. If there is no newspaper published within the bounds of the election area, then the notice shall be published in two qualified newspapers of different political faith serving the area. Notice shall be published twice, the first publication occurring in the second week prior to the election, and the second publication occurring within one week prior to the election. Each such legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot; and, unless notice has been given as provided by section 115.129, the second publication of notice of the election shall include the location of polling places. The election authority may provide any additional notice of the election it deems desirable.

3. The election authority shall print the official ballot as the same appears on the sample ballot, and no candidate's name or ballot issue which appears on the sample ballot or official

printed ballot shall be stricken or removed from the ballot except on death of a candidate or by court order.

4. In lieu of causing legal notice to be published in accordance with any of the provisions of this chapter, the election authority in jurisdictions which have less than seven hundred fifty registered voters and in which no newspaper qualified pursuant to chapter 493, RSMo, is published, may cause legal notice to be mailed during the second week prior to the election, by first class mail, to each registered voter at the voter's voting address. All such legal notices shall include the date and time of the election, the location of the polling place, the name of the officer or agency calling the election and a sample ballot.

5. If the opening date for filing a declaration of candidacy for any office in a political subdivision or special district is not required by law or charter, the opening filing date shall be 8:00 a.m., the [fifteenth] **sixteenth** Tuesday prior to the election. If the closing date for filing a declaration of candidacy for any office in a political subdivision or special district is not required by law or charter, the closing filing date shall be 5:00 p.m., the eleventh Tuesday prior to the election. The political subdivision or special district calling an election shall, before the [fifteenth] **sixteenth** Tuesday prior to any election at which offices are to be filled, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one newspaper of general circulation in the political subdivision or special district.

6. Except as provided for in sections 115.247 and 115.359, if there is no additional cost for the printing or reprinting of ballots or if the candidate agrees to pay any printing or reprinting costs, a candidate who has filed for an office or who has been duly nominated for an office may, at any time after the certification required in section 115.125 but no later than 5:00 p.m. on the sixth Tuesday before the election, withdraw as a candidate pursuant to a court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the candidate to the circuit court of the area of such candidate's residence.

**162.301. ORGANIZATION OF BOARD — QUORUM — OFFICERS. —** 1. Within [seven] **fourteen** days after the election of the first school board in each seven-director district, other than an urban district, and within [seven] **fourteen** days after each annual election, the board shall meet. The newly elected members shall qualify by taking the oath of office prescribed by article VII, section 11, of the Constitution of Missouri.

2. The board shall organize by the election of a president and vice president, and the board shall, on or before the fifteenth day of July of each year, elect a secretary and a treasurer, who shall enter upon their respective duties on the fifteenth day of July. The secretary and treasurer may be or may not be members of the board. No compensation shall be granted to either the secretary or the treasurer until his report and settlement are made and filed or published as the law directs.

3. A majority of the board constitutes a quorum for the transaction of business, but no contract shall be let, person employed, bill approved or warrant ordered unless a majority of the whole board votes therefor.

Approved July 3, 2003

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SB 143 [SB 143]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

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**Specifies the effective dates for vetoed bills when veto is overridden.**

AN ACT to repeal section 21.250, RSMo, relating to powers of the general assembly, and to enact in lieu thereof one new section relating to the same subject.

## SECTION

A. Enacting clause.

21.250. Statutes, how authenticated when passed over veto, effective, when.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 21.250, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 21.250, to read as follows:

**21.250. STATUTES, HOW AUTHENTICATED WHEN PASSED OVER VETO, EFFECTIVE, WHEN.** — When a bill that has passed both houses of the general assembly is returned by the governor without his signature, and with objections thereto, and upon a reconsideration, passes both houses by the constitutional majority, it shall be authenticated as having become a law, by a certificate endorsed thereon, or attached thereto, in the following form:

This bill having been returned by the governor, with his objections thereto and, after reconsideration, having passed both houses by the constitutional majority, it has become a law, this .... day of .....

Which, being signed by the president of the senate and speaker of the house of representatives, is sufficiently authenticated, and the bill shall be deposited with the laws in the office of the secretary of state, by the presiding officer of the house in which the bill originated. **Unless the bill provides otherwise, it shall become effective thirty days after approval by constitutional majorities in both houses of the general assembly.**

Approved July 9, 2003

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## SB 175 [HCS SB 175]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Creates a food recovery program to provide food to needy persons.**

AN ACT to repeal sections 196.365, 196.367, 196.370, 196.375, 196.380, 196.385, 196.390, 196.395, 196.400, 196.405, 196.415, 196.420, 196.425, 196.430, 196.435, 196.436, 196.440, and 196.445, RSMo, and to enact in lieu thereof one new section relating to food recovery inspection and safety by the department of health and senior services.

## SECTION

A. Enacting clause.

192.081. Donation of canned or perishable food — definitions — procedure — immunity from liability, when — department to provide information.

196.365. License required to manufacture, or distribute — soft drinks defined — application — expiration.

196.367. Manufacturer's exemption, conditions.

196.370. Inspection of manufactory — analysis of products — license.

196.375. License and inspection fees on products sold in state.

196.380. Products for export — no fee.

196.385. Products for import — inspection, analysis — license — fee.

196.390. Duplicate bill of lading required from transportation company.

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- 196.395. Certification of contents of products imported.
- 196.400. Use of impure ingredients prohibited.
- 196.405. Monthly report to department of health and senior services — books open to inspection.
- 196.415. Labeling of bottles and containers — filling or refilling.
- 196.420. Sanitary requirements for soft drink containers, how established.
- 196.425. Department to keep record of manufacturers and bottlers — annual report to governor.
- 196.430. Expenses paid by whom — disposition of fees.
- 196.435. Revocation of licenses.
- 196.436. Review by administrative hearing commission.
- 196.440. Department to make rules and regulations.
- 196.445. Penalty for violation.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 196.365, 196.367, 196.370, 196.375, 196.380, 196.385, 196.390, 196.395, 196.400, 196.405, 196.415, 196.420, 196.425, 196.430, 196.435, 196.436, 196.440, and 196.445, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 192.081, to read as follows:

**192.081. DONATION OF CANNED OR PERISHABLE FOOD — DEFINITIONS — PROCEDURE — IMMUNITY FROM LIABILITY, WHEN — DEPARTMENT TO PROVIDE INFORMATION. — 1.** As used in this section, the following terms mean:

(1) "Canned food", food that is commercially processed in hermetically sealed containers;

(2) "Donor", any restaurant, cafeteria, fast food restaurant, delicatessen, or other facility principally engaged in selling food for consumption on the premises;

(3) "Food", any raw, cooked, canned, perishable, or prepared edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption;

(4) "Hermetically sealed container", a container that is designed and intended to be secure against the entry of microorganisms and thereby to maintain the commercial sterility of its content after processing;

(5) "Perishable food", any food having a significant risk of spoilage, loss of value, or loss of palatability within ninety days of the date of packaging;

(6) "Prepared food", any food prepared, designed, or intended for human consumption including, without limitation, those foods prepared principally from agricultural, dairy, or horticultural produce or with meat, fish, or poultry.

2. Each potential donor, to the greatest extent possible and practicable, may make available to any bona fide charitable or nonprofit organization, to any representative or volunteer acting on behalf of such organization, to an uncompensated person acting in a philanthropic manner providing services similar to those of such an organization, or to a transporter of any surplus or excess canned or perishable food for use by such organization or person to feed homeless persons or other persons who are in need of food and are otherwise unable to provide food for themselves. In achieving this intent, the following provisions shall apply:

(1) Each donor may contact charitable or nonprofit organizations in the community in which the donor operates in order to provide for the collection by such organizations of any surplus or excess canned food or perishable food from the donor;

(2) Each charitable or nonprofit organization in this state which provides to the community in which it operates food for persons who are in need of food or are otherwise unable to provide food for themselves, or which collects and transports such food to such organizations, shall make every reasonable effort to contact any donors within the organization's area of operations for purposes of collecting any surplus or excess canned food or perishable food for use in providing such services.

3. A good faith donor of any canned or perishable food, apparently fit for human consumption, to a bona fide charitable or nonprofit organization for free distribution shall not be subject to criminal penalty or civil damages arising from the condition of the food, unless an injury is caused by the gross negligence, recklessness, or intentional misconduct of the donor.

4. A bona fide charitable or nonprofit organization, or any representative or volunteer acting on behalf of such organization or an uncompensated person acting in a philanthropic manner providing services similar to those of such an organization or transporter of any surplus or excess canned or perishable food for use by such organization which in good faith accepts, collects, transports, or distributes any canned or perishable food for free distribution and which reasonably inspects the food at the time of the donation and finds the food apparently fit for human consumption shall not be subject to criminal penalty or civil damages arising from the condition of the food, unless an injury is caused by the gross negligence, recklessness, or intentional misconduct of an agent of the charitable or nonprofit organization.

5. The department of health and senior services shall make available information detailing the need of food-recovery programs, the benefit of food-recovery programs, the manner in which such organizations may become involved in food-recovery programs and the food-recovery entities or food banks that exist in the state. This information must be updated annually.

**[196.365. LICENSE REQUIRED TO MANUFACTURE, OR DISTRIBUTE — SOFT DRINKS DEFINED — APPLICATION — EXPIRATION. —** 1. It shall be unlawful to make, manufacture, or in any manner produce or distribute any soft drinks or beverages, excepting malt beverages, without first obtaining a license from the department of health and senior services, as in sections 196.365 to 196.445 required.

2. The term "soft drinks" as used in sections 196.365 to 196.445 shall be held to mean and include all beverages of every kind manufactured or sold in this state, which shall be understood to include those containing less than one-half of one percent of or no alcohol, including carbonated beverages, still drinks, seltzer water, artificial or natural mineral waters, and all other waters used and sold for beverage purposes.

3. Application for such license shall be made to the department of health and senior services on a blank prescribed by the department for that purpose. Such license shall expire on the thirtieth day of June next following the day of issuance thereof.]

**[196.367. MANUFACTURER'S EXEMPTION, CONDITIONS. —** Effective July 1, 2005, any manufacturer or distributor shall be exempted from the provisions of sections 196.365 to 196.445 if the manufacturer satisfies all applicable Food and Drug Administration regulations.]

**[196.370. INSPECTION OF MANUFACTORY — ANALYSIS OF PRODUCTS — LICENSE. —** Upon receipt of the application the department of health and senior services shall cause an examination and inspection to be made into the sanitary conditions of such place of manufacture and may also cause an analysis to be made of the products of such manufacturer. If the buildings and equipment so to be used found by the department of health and senior services to be in a sanitary condition and the analysis of said products or samples thereof show the same to be unadulterated and free from ingredients injurious to health, the department of health and senior services upon payment of a license fee as provided by sections 196.365 to 196.445, shall cause a license to be issued authorizing the applicant to manufacture any such soft drinks or beverages. Such license shall be renewed annually upon the same terms and conditions as required for the original license.]

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**[196.375. LICENSE AND INSPECTION FEES ON PRODUCTS SOLD IN STATE. —** A license fee of one dollar shall be paid by each manufacturer or distributor of soft drinks or beverages required to be licensed under the provisions of sections 196.365 to 196.445; and in addition thereto an inspection fee shall be paid by wholesale manufacturers or distributors of soft drinks or beverages of three-tenths cent for each gallon of such beverage manufactured or sold in this state, but the fees for inspection shall not exceed four cents per month per case of twenty-four bottles or cans of such manufacturer's bottling or canning capacity, as determined by the rated capacity of the machines therein for an eight-hour day as rated by the manufacturer of such machines. All fees received shall be paid into the state treasury.]

**[196.380. PRODUCTS FOR EXPORT — NO FEE. —** All beverages, soft drinks, sirups, flavors or extracts as in sections 196.365 to 196.445 described, which are manufactured, prepared or bottled in this state and exported outside of this state for sale, shall be inspected as other beverages, soft drinks, sirups, flavors or extracts designated in said sections, but such inspection shall be free of cost to the manufacturer or bottler.]

**[196.385. PRODUCTS FOR IMPORT — INSPECTION, ANALYSIS — LICENSE — FEE. —** No such bottled soft drinks or beverages that are manufactured out of the state of Missouri shall be sold or offered for sale within the state unless the same is first inspected and analyzed and approved by the department of health and senior services which shall be upon a like application as provided in section 196.365 and a license fee of one dollar shall be paid therefor; and in addition thereto an inspection fee of three-tenths cent for each gallon of such beverages sold in this state by such manufacturer shall be paid by such manufacturer. Like samples for such inspection and analysis shall be furnished as herein provided for Missouri manufacturers. Such license shall be renewed annually upon the same terms and conditions as required for the original license.]

**[196.390. DUPLICATE BILL OF LADING REQUIRED FROM TRANSPORTATION COMPANY. —** Every railroad, express or transportation company shall, when requested, furnish to the department of health and senior services a duplicate bill of lading or receipt showing the name of the consignor and consignee, date, place received, destination and quantity of soft drinks or beverages, sirups, extracts or flavors received by them for shipment to any point within this state. Upon failure to comply with the provisions therein, said railroad, express or transportation company shall pay to the state of Missouri the sum of fifty dollars for each and every failure, to be recovered in any court of competent jurisdiction. The department of health and senior services is hereby authorized and empowered to sue in its name at the relation and to the use of the state and any sums thus collected shall be paid into the state treasury.]

**[196.395. CERTIFICATION OF CONTENTS OF PRODUCTS IMPORTED. —** Every person, firm or corporation who shall receive for sale or offer for sale any such nonintoxicating beverages or soft drinks, fountain or other sirups, flavors or extracts other than those manufactured, prepared or bottled in this state, shall, upon receipt of same, and before offering same for sale, notify the department of health and senior services who shall be furnished with a sworn affidavit subscribed by an officer authorized to administer oaths, from the manufacturer or bottler or other reputable person having actual knowledge of the composition of such beverages, sirups or flavors, that no material which is not pure, clean or wholesome was used in the manufacture of same.]

**[196.400. USE OF IMPURE INGREDIENTS PROHIBITED. —** No person, persons, firm or corporation engaged in the manufacture or bottling within this state of any nonintoxicating beverage or soft drink, as that term is described in section 196.365, or of fountain sirups, flavors or extracts intended for use in the preparation or concoction of such beverages or soft drinks,

shall use any substance materially or chemically in the manufacture, bottling or preparation of such beverages which is not pure, clean and wholesome.]

**[196.405. MONTHLY REPORT TO DEPARTMENT OF HEALTH AND SENIOR SERVICES — BOOKS OPEN TO INSPECTION.** — All manufacturers, wholesalers and dealers in bottling soft drinks, beverages, sirups, flavors or extracts shall keep an accurate account of their sales and make a report under oath at the end of each month to the department of health and senior services with a remittance to cover all sales for the month, unless such manufacturer or bottler pays the maximum inspection fee based on the bottling capacity of such manufacturer's or bottler's plant pursuant to section 196.375. The books of such manufacturers, bottlers, wholesalers or dealers shall at all times be open to examination and inspection by the department of health and senior services and its officers and agents.]

**[196.415. LABELING OF BOTTLES AND CONTAINERS — FILLING OR REFILLING.** — No person, firm or corporation shall sell, offer for sale or give away within the state any beverages in bottles or other containers unless each of such bottles or containers shall have blown into it, etched or engraved, or otherwise labeled thereon, the name of the person, firm or corporation manufacturing or bottling such beverage or the name of the registered trademark of such beverages. The filling or refilling of any bottles or other containers with soft drinks, or beverages with intent to sell or vend such soft drinks or beverages which bears the label of any other person, firm or corporation, without the consent of such person, firm or corporation, shall be deemed a violation of sections 196.365 to 196.445.]

**[196.420. SANITARY REQUIREMENTS FOR SOFT DRINK CONTAINERS, HOW ESTABLISHED.** — All containers used in the packaging of soft drinks shall be clean and sanitary at the time of selling, in accordance with regulations established by the department of health and senior services, after public notice and hearing.]

**[196.425. DEPARTMENT TO KEEP RECORD OF MANUFACTURERS AND BOTTLERS — ANNUAL REPORT TO GOVERNOR.** — The department of health and senior services shall record on books kept for that purpose the names and places of business of all persons, firms and corporations engaged in the manufacture, preparation or bottling of all nonintoxicating beverages or soft drinks or sirups, flavors or extracts as described in section 196.365. The department shall keep a record of all nonintoxicating beverages or soft drinks manufactured, prepared or bottled and the amount produced by each manufacturer or bottler or sold by dealer, or in the case of manufacturers in this state, of the bottling capacity of such manufacturer's plant and shall keep a record of all inspections made. The department shall keep a record of all fees collected and all expenditures incurred and shall make a full and complete report of the same to the governor upon the first day of each year.]

**[196.430. EXPENSES PAID BY WHOM — DISPOSITION OF FEES.** — The expense of the department of health and senior services incurred in carrying out the provisions of sections 196.365 to 196.445, including salaries, traveling expenses of officials or employees and of supplies, shall be paid in the same manner as other expenses of the department of health and senior services pursuant to the laws relating thereto; and all fees shall be payable to and collected by the state director of revenue and shall be deposited by him in the state treasury to the credit of the general revenue fund of the state.]

**[196.435. REVOCATION OF LICENSES.** — The department of health and senior services shall have power to revoke any license issued under the provisions of sections 196.365 to 196.445 whenever said department shall determine that any provision of sections 196.365 to 196.445 or the rules and regulations of the department of health and senior services made in

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pursuance to the sections have been violated. Any person, firm or corporation whose license has been revoked, shall discontinue the manufacture and sale of soft drinks or beverages until the provisions of sections 196.365 to 196.445 have been complied with and a new license issued. The department of health and senior services may revoke such license temporarily until there is a compliance with the provisions of sections 196.365 to 196.445 or the rules and regulations of the department of health and senior services made in pursuance to said sections.]

**[196.436. REVIEW BY ADMINISTRATIVE HEARING COMMISSION.** — Any person aggrieved by an official action of the department of health and senior services affecting the licensed status of a person under the provisions of sections 196.365 to 196.445, including the refusal to grant, the grant, the revocation, the suspension, or the failure to renew a license, may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 161.272, RSMo, and it shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the department of health and senior services or the department of social services.]

**[196.440. DEPARTMENT TO MAKE RULES AND REGULATIONS.** — The department of health and senior services may make suitable rules and regulations for the carrying out of the provisions of sections 196.365 to 196.445.]

**[196.445. PENALTY FOR VIOLATION.** — Any person who shall violate any of the provisions of sections 196.365 to 196.445 shall be deemed guilty of a misdemeanor and shall, upon conviction thereof be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail for a period not exceeding ninety days, or by both such fine and imprisonment.]

Approved July 1, 2003

## SB 184 [HS HCS SB 184]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### **Allows the sexual offender registry to be posted on the Internet.**

AN ACT to repeal sections 43.500, 43.503, 43.506, 43.521, 43.527, 43.530, 43.540, 43.543, 195.505, 210.903, 210.909, 210.922, 210.937, 221.320, 221.340, 221.350, 589.400, 589.407, 589.414, 610.120, 610.123 and 630.170, and to enact in lieu thereof twenty-three new sections relating to criminal records, with penalty provisions.

#### SECTION

- A. Enacting clause.
- 43.500. Definitions.
- 43.503. Arrest, charge and disposition of misdemeanors and felonies to be sent to highway patrol — procedure for certain juveniles.
- 43.506. Crimes to be reported, exceptions — method of reporting — repository of latent prints.
- 43.527. Payment for records, exceptions.
- 43.530. Fees, method of payment — criminal record system fund, established — fund not to lapse.
- 43.532. Use of records, limitations — authority of central records repository to retain information — unlawful obtaining of information, penalty.
- 43.540. Criminal record review — definitions — patrol to conduct review, when, procedure, confidentiality, violation, penalty — patrol to provide forms.
- 43.542. Approval of National Crime Prevention and Privacy Compact — execution of compact.

- 43.543. Certain agencies to submit fingerprints, use of fingerprints for background search — procedure for submission.
- 43.650. Internet site to be maintained, registered sex offender search — confidentiality, release of information, when.
- 195.505. Formation of group — power of arrest — cooperation.
- 210.903. Family care safety registry and access line established, contents.
- 210.909. Department duties — information included in registry, when — registrant notification.
- 210.922. Use of registry information by certain departments, when.
- 221.320. Board of visitors — appointment — terms.
- 221.340. Duties of board.
- 221.350. Board to make yearly report.
- 589.400. Registration of certain offenders with chief law officers of county of residence — time limitation — cities may request copy of registration.
- 589.407. Registration, required information.
- 589.414. Registrant's duties on change of address — time limitations for certain notifications.
- 610.120. Records to be confidential — accessible to whom, purposes.
- 610.123. Procedure to expunge, supreme court to promulgate rules — similar to small claims.
- 630.170. Disqualification for employment because of conviction — appeal process — criminal record review, procedure — registry maintained, when.
- 43.521. Juveniles not to be fingerprinted, exception.
- 210.937. Termination date of safety registration and access line.
- 210.937. Termination date of safety registration and access line.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 43.500, 43.503, 43.506, 43.521, 43.527, 43.530, 43.540, 43.543, 195.505, 210.903, 210.909, 210.922, 210.937, 221.320, 221.340, 221.350, 589.400, 589.407, 589.414, 610.120, 610.123 and 630.170, RSMo, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 43.500, 43.503, 43.506, 43.527, 43.530, 43.532, 43.540, 43.542, 43.543, 43.650, 195.505, 210.903, 210.909, 210.922, 221.320, 221.340, 221.350, 589.400, 589.407, 589.414, 610.120, 610.123 and 630.170, to read as follows:

**43.500. DEFINITIONS.** — As used in sections 43.500 to [43.530] **43.543**, the following terms mean:

(1) **"Administration of criminal justice", performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of criminal history information, including fingerprint searches, photographs, and other indicia of identification;**

(2) **"Central repository", the Missouri state highway patrol criminal records and identification division for compiling and disseminating complete and accurate criminal history records and for compiling, maintaining, and disseminating criminal incident and arrest reports and statistics;**

[(2)] (3) **"Committee", criminal records and justice information advisory committee;**

[(3)] (4) **"Criminal history record information", information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision, and release;**

[(4)] (5) **"Final disposition", the formal conclusion of a criminal proceeding at whatever stage it occurs in the criminal justice system;**

(6) **"Missouri charge code", a unique number assigned by the office of state courts administrator to an offense for tracking and grouping offenses. Beginning January 1, 2005, the complete charge code shall consist of digits assigned by the office of state courts administrator, the two digit national crime information center modifiers and a single digit**

designating attempt, accessory, or conspiracy. The only exception to the January 1, 2005, date shall be the courts that are not using the statewide court automation case management pursuant to section 476.055, RSMo; the effective date will be as soon thereafter as economically feasible for all other courts;

[(5)] (7) "State offense cycle number", a [preprinted] **unique number, supplied by or approved by the Missouri state highway patrol**, on the state criminal fingerprint card [which]. **The offense cycle number, OCN, is used to [identify each arrest which may include multiple offenses for which a person is fingerprinted. This number] link the identity of a person, through fingerprints, to one or many offenses for which the person is arrested or charged. The OCN will be [associated with] used to track an offense incident from the date of arrest to the [date] final disposition when the offender exits from the criminal justice system];**

(6) "Without undue delay", as soon as possible but not later than thirty days after the criminal history event;

(7) "Administration of criminal justice", performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of criminal history record information, including fingerprint searches, photographs, and other indicia of identification].

**43.503. ARREST, CHARGE AND DISPOSITION OF MISDEMEANORS AND FELONIES TO BE SENT TO HIGHWAY PATROL — PROCEDURE FOR CERTAIN JUVENILES. —** 1. For the purpose of maintaining complete and accurate criminal history record information, all police officers of this state, the clerk of each court, the department of corrections, the sheriff of each county, the chief law enforcement official of a city not within a county and the prosecuting attorney of each county or the circuit attorney of a city not within a county shall submit certain criminal arrest, charge, and disposition information to the central repository for filing without undue delay in the form and manner required by sections 43.500 to [43.530] **43.543**.

2. All law enforcement agencies making misdemeanor and felony arrests as determined by section 43.506 shall furnish without undue delay, to the central repository, fingerprints, charges, **appropriate charge codes**, and descriptions of all persons who are arrested for such offenses on standard fingerprint forms supplied **or approved** by the highway patrol **or electronically in a format and manner approved by the highway patrol**. All such agencies shall also notify the central repository of all decisions not to refer such arrests for prosecution. An agency making such arrests may enter into arrangements with other law enforcement agencies for the purpose of furnishing without undue delay such fingerprints, charges, **appropriate charge codes**, and descriptions to the central repository upon its behalf.

3. In instances where an individual less than seventeen years of age **and not currently certified as an adult** is taken into custody for an offense which would be [considered] a felony if committed by an adult, the arresting officer shall take [one set of] fingerprints for the central repository [and may take another set for inclusion in a local or regional automated fingerprint identification system]. These fingerprints shall be taken on fingerprint cards [which are plainly marked "juvenile card" and shall be provided by the central repository] **supplied by or approved by the highway patrol or transmitted electronically in a format and manner approved by the highway patrol**. The fingerprint cards shall be so constructed that [only the fingerprints, unique identifying number, and the court of jurisdiction are] **the name of the juvenile should not be** made available to the central [or local] repository. [The remainder of the card which bears] The individual's [identification] **name** and the [duplicate] unique number **associated with the fingerprints and other pertinent information** shall be provided to the court of jurisdiction **by the agency taking the juvenile into custody**. The [appropriate portion of the juvenile fingerprint card] **juvenile's fingerprints and other information** shall be forwarded to the central repository and the courts without undue delay. The fingerprint

information from the card shall be captured and stored in the automated fingerprint identification system operated by the central repository. [The juvenile fingerprint card shall be stored in a secure location, separate from all other fingerprint cards.] In the event the fingerprints [from this card] are found to match **other tenprints or unsolved** latent prints [searched in the automated fingerprint identification system], **the central repository shall notify the submitting agency who shall notify** the court of jurisdiction [shall be so advised] **as per local agreement.**

**4. Upon certification of the individual as an adult, the court shall order a law enforcement agency to immediately fingerprint the individual. The law enforcement agency shall submit such fingerprints to the central repository within fifteen days and shall furnish the offense cycle number associated with the fingerprints to the prosecuting attorney or the circuit attorney of a city not within a county and to the clerk of the court ordering the subject fingerprinted. If the juvenile is acquitted of the crime and is no longer certified as an adult, the prosecuting attorney shall notify within fifteen days the central repository of the change of status of the juvenile. Records of a child who has been fingerprinted and photographed after being taken into custody shall be closed records as provided under section 610.100, RSMo, if a petition has not been filed within thirty days of the date that the child was taken into custody; and if a petition for the child has not been filed within one year of the date the child was taken into custody, any records relating to the child concerning the alleged offense may be expunged under the procedures in sections 610.122 to 610.126, RSMo.**

[3.] **5.** The prosecuting attorney of each county or the circuit attorney of a city not within a county shall notify the central repository on standard forms supplied by the highway patrol **or in a manner approved by the highway patrol** of all charges filed, including all those added subsequent to the filing of a criminal court case, and whether charges were not filed in criminal cases for which the central repository has a record of an arrest. All records forwarded to the central repository by prosecutors or circuit attorneys as required by sections 43.500 to 43.530 shall include the state offense cycle number of the offense, **the charge code for the offense**, and the originating agency identifier number of the reporting prosecutor, using such numbers as assigned by the highway patrol.

[4.] **6.** The clerk of the courts of each county or city not within a county shall furnish the central repository, on standard forms supplied by the highway patrol **or in a manner approved by the highway patrol**, with all final dispositions of [criminal] cases for which the central repository has a record of an arrest or a record of fingerprints reported pursuant to [subsections 6 and 7 of this section] **sections 43.500 to 43.506.** Such information shall include, for each charge:

(1) All judgments of not guilty, acquittals on the ground of mental disease or defect excluding responsibility, judgments or pleas of guilty including the sentence, if any, or probation, if any, pronounced by the court, nolle pros, discharges, releases and dismissals in the trial court;

(2) Court orders filed with the clerk of the courts which reverse a reported conviction or vacate or modify a sentence;

(3) Judgments terminating or revoking a sentence to probation, supervision or conditional release and any resentencing after such revocation; and

(4) The offense cycle number of the offense, and the originating agency identifier number of the [reporting] **sentencing** court, using such numbers as assigned by the highway patrol.

[5.] **7.** The clerk of the courts of each county or city not within a county shall furnish, **to the department of corrections or department of mental health**, court judgment and sentence documents and the state offense cycle number **and the charge code** of the offense[,] which [result] **resulted** in the commitment or assignment of an offender[,] to the jurisdiction of the department of corrections or the department of mental health if the person is committed pursuant to chapter 552, RSMo. This information shall be reported to the department of corrections or the department of mental health at the time of commitment or assignment. If the offender was already in the custody of the department of corrections or the department of mental health at the

time of such subsequent conviction, the clerk shall furnish notice of such subsequent conviction to the appropriate department by certified mail, return receipt requested **or in a manner and format mutually agreed to**, within [ten] **fifteen** days of such disposition.

[6. After the court pronounces sentence, including an order of supervision or an order of probation granted for any offense which is required by statute to be collected, maintained, or disseminated by the central repository, or commits a person to the department of mental health pursuant to chapter 552, RSMo.] **8. Information and fingerprints, and other indicia forwarded to the central repository, normally obtained from a person at the time of the arrest, may be obtained at any time the subject is in the criminal justice system or committed to the department of mental health. A law enforcement agency or the department of corrections may fingerprint the person and obtain the necessary information at any time the subject is in custody. If at the time of disposition, the defendant has not been fingerprinted for an offense in which a fingerprint is required by statute to be collected, maintained, or disseminated by the central repository, the court shall order a law enforcement agency to fingerprint immediately [all persons appearing before the court to be sentenced or committed who have not previously been fingerprinted for the same case] the defendant. The law enforcement agency shall submit such fingerprints to the central repository without undue delay and within thirty days and shall furnish the offense cycle number associated with the fingerprints to the prosecuting attorney or the circuit attorney of a city not within a county and to the court clerk of the court ordering the subject fingerprinted.**

[7.] **9.** The department of corrections and the department of mental health shall furnish the central repository with all information concerning the receipt, escape, execution, death, release, pardon, parole, commutation of sentence, granting of executive clemency, **legal name change**, or discharge of an individual who has been sentenced to that department's custody for any offenses which are mandated by law to be collected, maintained or disseminated by the central repository. All records forwarded to the central repository by the department as required by sections 43.500 to [43.530] **43.543** shall include the offense cycle number of the offense, and the originating agency identifier number of the department using such numbers as assigned by the highway patrol.

**43.506. CRIMES TO BE REPORTED, EXCEPTIONS — METHOD OF REPORTING — REPOSITORY OF LATENT PRINTS. — 1.** Those offenses considered reportable for the purposes of sections 43.500 to [43.530] **43.543** include all felonies and serious or aggravated misdemeanors consistent with the reporting standards established by the National Crime Information Center, Federal Bureau of Investigation, for the Federal Interstate Identification Index System. In addition, all cases arising pursuant to sections 566.010 to 566.141, RSMo, where the defendant pleads guilty to an offense involving a child under seventeen years of age and the court imposes a suspended imposition of sentence shall be reported. The following types of offenses shall not be considered reportable for the purposes of sections 57.403, RSMo, 43.500 to [43.530] **43.543**, and 595.200 to 595.218, RSMo: disturbing the peace, curfew violation, loitering, false fire alarm, disorderly conduct, nonspecific charges of suspicion or investigation, and general traffic violations and all misdemeanor violations of the state wildlife code. All violations for driving under the influence of drugs or alcohol are reportable. All offenses considered reportable shall be reviewed annually and noted in the Missouri charge code manual established in section 43.512. All information collected pursuant to sections 43.500 to [43.530] **43.543** shall be available only as set forth in section 610.120, RSMo.

2. [With the exception of the manual reporting of arrests and fingerprints by law enforcement agencies as noted in subsection 2 of section 43.503, and notwithstanding subsections 2 to 7 of section 43.503.] Law enforcement agencies, court clerks, prosecutors and custody agencies may report required information by electronic medium either directly to the central repository or indirectly to the central repository via other criminal justice agency computer

systems in the state with the approval of the [advisory committee] **highway patrol, based upon standards established by the advisory committee.**

3. In addition to the repository of fingerprint records for individual offenders **and applicants**, the central repository of criminal history **and identification** records for the state shall maintain a repository of latent prints, **palm prints and other prints submitted to the repository.**

**43.527. PAYMENT FOR RECORDS, EXCEPTIONS.** — For purposes of sections 43.500 to [43.530] **43.543** all federal and nonstate of Missouri agencies **and persons** shall pay for criminal records checks, fingerprint searches, and any of the information as defined in subdivision (3) of section 43.500, when such information is not related to the administration of criminal justice. **There shall be no charge for information supplied to criminal justice agencies for the administration of criminal justice.** For purposes of sections 43.500 to [43.530] **43.543** the administration of criminal justice is defined in subdivision [(7)] **(1)** of section 43.500 **and shall be available only as set forth in section 610.120, RSMo.**

**43.530. FEES, METHOD OF PAYMENT — CRIMINAL RECORD SYSTEM FUND, ESTABLISHED — FUND NOT TO LAPSE.** — **1.** For each request **requiring the payment of a fee** received by the central repository, [as defined in subdivision (1) of section 43.500,] the requesting entity shall pay a fee of not more than five dollars per request for criminal history record information **not based on a fingerprint search** and pay a fee of not more than fourteen dollars per request for [classification and search of fingerprints] **criminal history record information based on a fingerprint search.** Each such request shall be limited to check and search on one individual. Each request shall be accompanied by a check, warrant, voucher, or money order payable to the state of Missouri-criminal record system **or payment shall be made in a manner approved by the highway patrol.** There is hereby established by the treasurer of the state of Missouri a fund to be entitled as the "Criminal Record System Fund". Notwithstanding the provisions of section 33.080, RSMo, to the contrary, if the moneys collected and deposited into this fund are not totally expended annually for the purposes set forth in [section 43.527] **sections 43.500 to 43.543**, the unexpended moneys in such fund shall remain in the fund and the balance shall be kept in the fund to accumulate from year to year.

**2.** For purposes of obtaining criminal records prior to issuance of a school bus operator's permit pursuant to section 302.272, RSMo, and for determining eligibility for such permit, the applicant for such permit shall submit two sets of fingerprints to the director of revenue when applying for the permit. The fingerprints shall be collected in a manner approved by the superintendent of the highway patrol. The school bus permit applicant shall pay the appropriate fee described in this section and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record when he or she applies for the school bus permit. Collections for records described in this subsection shall be deposited in the criminal record system fund.

**43.532. USE OF RECORDS, LIMITATIONS — AUTHORITY OF CENTRAL RECORDS REPOSITORY TO RETAIN INFORMATION — UNLAWFUL OBTAINING OF INFORMATION, PENALTY.** — **1.** Criminal history and identification records obtained from the central repository shall be used solely for the purpose for which they were obtained. The subject of the record shall be afforded the opportunity to challenge the correctness, accuracy, or completeness of a criminal history record.

**2.** The central records repository shall have authority to engage in the practice of collecting, assembling, or disseminating criminal history record information for the purpose of retaining manually or electronically stored criminal history information. Any person obtaining criminal history record information from the central repository under false pretense, or who advertises or engages in the practice of collecting, assembling, and

disseminating as a business enterprise, other than for the purpose of furnishing criminal history information to the authorized requester for its intended purpose, is guilty of a class A misdemeanor.

**43.540. CRIMINAL RECORD REVIEW — DEFINITIONS — PATROL TO CONDUCT REVIEW, WHEN, PROCEDURE, CONFIDENTIALITY, VIOLATION, PENALTY — PATROL TO PROVIDE FORMS.** — 1. As used in this section, the following terms mean:

(1) **"Authorized state agency", a division of state government or an office of state government designated by the statutes of Missouri to issue or renew a license, permit, certification, or registration of authority to a qualified entity;**

(2) **"Care", the provision of care, treatment, education, training, instruction, supervision, or recreation;**

(3) **"Missouri criminal record review", a [request to the highway patrol for information concerning any criminal history record for a felony or misdemeanor and any offense for which the person has registered pursuant to sections 589.400 to 589.425, RSMo] review of criminal history records or sex offender registration records pursuant to sections 589.400 to 589.425, RSMo, maintained by the Missouri state highway patrol in the Missouri criminal records repository;**

(4) **"National criminal record review", a review of the criminal history records maintained by the Federal Bureau of Investigation;**

[(2)] (5) **"Patient or resident", a person who by reason of [aging] age, illness, disease or physical or mental infirmity receives or requires care or services furnished by a provider, as defined in this section, or who resides or boards in, or is otherwise kept, cared for, treated or accommodated in a facility as defined in section 198.006, RSMo, for a period exceeding twenty-four consecutive hours;**

[(3)] **"Patrol", the Missouri state highway patrol;**

(4)] (6) **"Provider", [any licensed day care home, licensed day care center, licensed child-placing agency, licensed residential care facility for children, licensed group home, licensed foster family group home, licensed foster family home or any operator licensed pursuant to chapter 198, RSMo, any employer of nurses or nursing assistants for temporary or intermittent placement in health care facilities or any entity licensed pursuant to chapter 197, RSMo] a person who:**

(a) **Has or may have unsupervised access to children, the elderly, or persons with disabilities; and**

(b) **Is employed by or seeks employment with a qualified entity; or**

(c) **Volunteers or seeks to volunteer with a qualified entity; or**

(d) **Owns or operates a qualified entity;**

(7) **"Qualified entity", a person, business, or organization, whether public or private, for profit, not-for-profit, or voluntary, that provides care, placement, or educational services for children, the elderly, or persons with disabilities as patients or residents, including a business or organization that licenses or certifies others to provide care or placement services;**

[(5)] (8) **"Youth services agency", any public or private agency, school, or association which provides programs, care or treatment for or which exercises supervision over minors.**

[2. Upon receipt of a written request from a private investigatory agency, a youth service agency or a provider, with the written consent of the applicant, the highway patrol shall conduct a criminal record review of an applicant for a paid or voluntary position with the agency or provider if such position would place the applicant in contact with minors, patients or residents.

3. Any request for information made pursuant to the provisions of this section shall be on a form provided by the highway patrol and shall be signed by the person who is the subject of the request.

4. The patrol shall respond in writing to the youth service agency or provider making a request for information pursuant to this section and shall inform such youth service agency or provider of the address and offense for which the offender registered pursuant to sections 589.400 to 589.425, RSMo, and the nature of the offense, and the date, place and court for any other offenses contained in the criminal record review. Notwithstanding any other provision of law to the contrary, the youth service agency or provider making such request shall have access to all records of arrests resulting in an adjudication where the applicant was found guilty or entered a plea of guilty or nolo contendere in a prosecution pursuant to chapter 565, RSMo, sections 566.010 to 566.141, RSMo, or under the laws of any state or the United States for offenses described in sections 566.010 to 566.141, RSMo, or chapter 565, RSMo, during the period of any probation imposed by the sentencing court.

5. Any information received by a provider or a youth services agency pursuant to this section shall be used solely for the provider's or youth service agency's internal purposes in determining the suitability of an applicant or volunteer. The information shall be confidential and any person who discloses the information beyond the scope allowed in this section is guilty of a class A misdemeanor. The patrol shall inform, in writing, the provider or youth services agency of the requirements of this subsection and the penalties provided in this subsection at the time it releases any information pursuant to this section.]

**2. A qualified entity may obtain a Missouri criminal record review of a provider from the highway patrol by furnishing information on forms and in the manner approved by the highway patrol.**

**3. A qualified entity may request a Missouri criminal record review and a national criminal record review of a provider through an authorized state agency. No authorized state agency is required by this section to process Missouri or national criminal record reviews for a qualified entity, however, if an authorized state agency agrees to process Missouri and national criminal record reviews for a qualified entity, the qualified entity shall provide to the authorized state agency on forms and in a manner approved by the highway patrol the following:**

- (1) Two sets of fingerprints of the provider;**
- (2) A statement signed by the provider which contains:**
  - (a) The provider's name, address, and date of birth;**
  - (b) Whether the provider has been convicted of or has pled guilty to a crime which includes a suspended imposition of sentence;**
  - (c) If the provider has been convicted of or has pled guilty to a crime, a description of the crime, and the particulars of the conviction or plea;**
  - (d) The authority of the qualified entity to check the provider's criminal history;**
  - (e) The right of the provider to review the report received by the qualified entity; and**
  - (f) The right of the provider to challenge the accuracy of the report. If the challenge is to the accuracy of the criminal record review, the challenge shall be made to the highway patrol.**

**4. The authorized state agency shall forward the required forms and fees to the highway patrol. The results of the record review shall be forwarded to the authorized state agency who will notify the qualified entity. The authorized state agency may assess a fee to the qualified entity to cover the cost of handling the criminal record review and may establish an account solely for the collection and dissemination of fees associated with the criminal record reviews.**

**5. Any information received by an authorized state agency or a qualified entity pursuant to the provisions of this section shall be used solely for internal purposes in determining the suitability of a provider. The dissemination of criminal history information from the Federal Bureau of Investigation beyond the authorized state agency or related governmental entity is prohibited. All criminal record check information shall**

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be confidential and any person who discloses the information beyond the scope allowed is guilty of a class A misdemeanor.

6. The highway patrol shall make available or approve the necessary forms, procedures, and agreements necessary to implement the provisions of this section.

**43.542. APPROVAL OF NATIONAL CRIME PREVENTION AND PRIVACY COMPACT — EXECUTION OF COMPACT.** — In order to facilitate the authorized interstate exchange of criminal history information for noncriminal justice purposes to adopt the National Crime Prevention and Privacy Compact, 42 U.S.C. 14616, the legislature approves and adopts the compact. The chief administrator of the state's criminal history records repository shall execute the compact on behalf of the state of Missouri.

**43.543. CERTAIN AGENCIES TO SUBMIT FINGERPRINTS, USE OF FINGERPRINTS FOR BACKGROUND SEARCH — PROCEDURE FOR SUBMISSION.** — Any state agency listed in section 621.045, RSMo, [or any state agency which provides programs, care or treatment for or which exercises supervision over minors shall submit two sets of fingerprints for any person seeking employment with such agency or provider or for any person who is seeking the issuance or renewal of a license, permit or certificate of registration or authority from such agency, for the purpose of checking the person's prior criminal history when the state agency determines a nationwide check is warranted. The fingerprint cards and any required fees shall be sent to the Missouri state highway patrol's criminal records division. The first set of fingerprints shall be used for searching the state repository of criminal history information. If no identification is made, the second set of fingerprints shall be forwarded to the Federal Bureau of Investigation, Identification Division, for the searching of the federal criminal history files. The patrol shall notify the submitting state agency of any criminal history information or lack of criminal history information discovered on the individual.] **the division of professional registration of the department of economic development, the department of social services, the supreme court of Missouri, the department of elementary and secondary education, the Missouri lottery, and the Missouri gaming commission, which screen persons seeking employment with such agencies or issuance or renewal of a license, permit, certificate, or registration of authority from such agencies; or any state agency or committee which is authorized by state statute or executive order to screen applicants or candidates seeking or considered for employment, assignment, or appointment to a position within state government; or the Missouri peace officers standards and training, POST, commission which screens persons, not employed by a criminal justice agency, who seek enrollment or access into a certified POST training academy police school, or persons seeking a permit to purchase or possess a firearm for employment as a watchman, security personnel, or private investigator; or law enforcement agencies which screen persons seeking issuance or renewal of a license, permit, certificate, or registration to purchase or possess a firearm shall submit two sets of fingerprints to the Missouri state highway patrol, Missouri criminal records repository, for the purpose of checking the person's criminal history. The first set of fingerprints shall be used to search the Missouri criminal records repository and the second set shall be submitted to the Federal Bureau of Investigation to be used for searching the federal criminal history files if necessary. The fingerprints shall be submitted on forms and in the manner prescribed by the Missouri state highway patrol. Fees assessed for the searches shall be paid by the applicant or in the manner prescribed by the Missouri state highway patrol.** Notwithstanding the provisions of section 610.120, RSMo, all records related to any criminal history information discovered shall be accessible and available to the state agency making the record request.

**43.650. INTERNET SITE TO BE MAINTAINED, REGISTERED SEX OFFENDER SEARCH — CONFIDENTIALITY, RELEASE OF INFORMATION, WHEN.** — **1.** The patrol shall, subject to

appropriation, maintain a web page on the Internet which shall be open to the public and shall include a registered sexual offender search capability.

2. The registered sexual offender search shall make it possible for any person using the Internet to search for and find the information specified in subdivisions (1) to (4) of subsection 4 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425, RSMo, except that only persons who have been convicted of, found guilty of or plead guilty to committing or attempting to commit sexual offenses shall be included on this web site.

3. The registered sexual offender search shall include the capability to search for sexual offenders by name, zip code, and by typing in an address and specifying a search within a certain number of miles radius from that address.

4. Only the information listed in subdivisions (1) to (4) of this subsection shall be provided to the public in the registered sexual offender search:

- (1) The name of the offender;
- (2) The last known address of the offender, including the street address, city, county, state, and zip code;
- (3) A photograph of the offender; and
- (4) The crime or crimes for which the offender was convicted that caused him or her to have to register.

**195.505. FORMATION OF GROUP — POWER OF ARREST — COOPERATION.** — 1. Any two or more political subdivisions or the state highway patrol and any one or more political subdivisions may by order or ordinance agree to cooperate with one another in the formation of a multijurisdictional enforcement group for the purpose of intensive professional investigation of **computer, internet-based**, narcotics and drug law violations.

2. The power of arrest of any peace officer who is duly authorized as a member of a MEG unit shall only be exercised during the time such peace officer is an active member of a MEG unit and only within the scope of the investigation on which the MEG unit is working. Notwithstanding other provisions of law to the contrary, such MEG officer shall have the power of arrest, as limited in this subsection, anywhere in the state and shall provide prior notification to the chief of police of the municipality in which the arrest is to take place or the sheriff of the county if the arrest is to be made in his venue. If exigent circumstances exist, such arrest may be made; however, notification shall be made to the chief of police or sheriff, as appropriate, as soon as practical. The chief of police or sheriff may elect to work with the MEG unit at his option when such MEG is operating within the jurisdiction of such chief of police or sheriff.

**210.903. FAMILY CARE SAFETY REGISTRY AND ACCESS LINE ESTABLISHED, CONTENTS.** — 1. To protect children, the elderly, and disabled individuals in this state, and to promote family and community safety by providing information concerning family caregivers, there is hereby established within the department of health and senior services a "Family Care Safety Registry and Access Line" which shall be available by January 1, 2001.

2. The family care safety registry shall contain information on child-care workers', elder-care workers', and personal-care workers' background and on child-care, elder-care and personal-care providers through:

- (1) The patrol's criminal record check system pursuant to section 43.540, RSMo, including state and national information, to the extent possible;
- (2) Probable cause findings of abuse and neglect pursuant to sections 210.109 to 210.183 and, as of January 1, 2003, financial exploitation of the elderly or disabled, pursuant to section 570.145, RSMo;
- (3) The division of aging's employee disqualification list pursuant to section 660.315, RSMo;

(4) As of January 1, 2003, the department of mental health's employee disqualification registry;

(5) Foster parent licensure denials, revocations and involuntary suspensions pursuant to section 210.496;

(6) Child-care facility license denials, revocations and suspensions pursuant to sections 210.201 to 210.259; [and]

(7) Residential living facility and nursing home license denials, revocations, suspensions and probationary status pursuant to chapter 198, RSMo; and

**(8) As of January 1, 2004, a check of the patrol's Missouri uniform law enforcement system (MULES) for sexual offender registrations pursuant to section 589.400, RSMo.**

**210.909. DEPARTMENT DUTIES — INFORMATION INCLUDED IN REGISTRY, WHEN — REGISTRANT NOTIFICATION.** — 1. Upon submission of a completed registration form by a child-care worker, elder-care worker or personal-care attendant, the department shall:

(1) Determine if a probable cause finding of child abuse or neglect involving the applicant has been recorded pursuant to sections 210.109 to 210.183 and, as of January 1, 2003, if there is a probable cause finding of financial exploitation of the elderly or disabled pursuant to section 570.145, RSMo;

(2) Determine if the applicant has been refused licensure or has experienced involuntary licensure suspension or revocation pursuant to section 210.496;

(3) Determine if the applicant has been placed on the employee disqualification list pursuant to section 660.315, RSMo;

(4) As of January 1, 2003, determine if the applicant is listed on the department of mental health's employee disqualification registry;

(5) Determine through a request to the patrol pursuant to section 43.540, RSMo, whether the applicant has any [conviction, plea of guilty or nolo contendere, or a suspended execution of sentence to a charge of any offense pursuant to chapters 198, 334, 560, 565, 566, 568, 569, 573, 575 and 578, RSMo] **criminal history record for a felony or misdemeanor or any offense for which the person has registered pursuant to sections 589.400 to 589.425, RSMo; and**

(6) If the background check involves a provider, determine if a facility has been refused licensure or has experienced licensure suspension, revocation or probationary status pursuant to sections 210.201 to 210.259 or chapter 198, RSMo; and

**(7) As of January 1, 2004, determine through a request to the patrol if the applicant is a registered sexual offender pursuant to section 589.400, RSMo, listed in the Missouri uniform law enforcement system (MULES).**

2. Upon completion of the background check described in subsection 1 of this section, the department shall include information in the registry for each registrant as to whether any convictions, employee disqualification listings, registry listings, probable cause findings, pleas of guilty or nolo contendere, or license denial, revocation or suspension have been documented through the records checks authorized pursuant to the provisions of sections 210.900 to 210.936.

3. The department shall notify such registrant in writing of the results of the determination recorded on the registry pursuant to this section.

**210.922. USE OF REGISTRY INFORMATION BY CERTAIN DEPARTMENTS, WHEN.** — The department of health and senior services, department of mental health, and department of social services may use the registry information to carry out the duties assigned to the department pursuant to this chapter and chapters 190, 195, 197, 198, **630**, and 660, RSMo.

**221.320. BOARD OF VISITORS — APPOINTMENT — TERMS.** — In each county of the state the presiding judge of the circuit court, or such other judge or judges as may be determined by local circuit court rule, may, [and] upon the petition of fifteen reputable citizens [shall] or upon

**the motion of a majority of the court en banc**, appoint six persons, three of whom shall be women, and not more than three shall have the same political affiliations, who shall constitute a board of county visitors, [two] **all** of whom, [as indicated by the appointing judge,] upon the fixed appointment, shall serve for one year[, two for two years and two for three years, and upon the expiration of the term of each, his or her place and that of his or her successor shall, in like manner, be filled for the term of three years, who] **and** shall constitute [a] **the** board of visitors for the inspection of all corrective institutions supported by such county[, who shall serve without compensation]. **The members of the board shall serve without compensation and shall enjoy the same immunity from lawsuits as judicial officers.**

**221.340. DUTIES OF BOARD.** — It shall be the duty of such board of visitors, by personal visitation or otherwise, to keep themselves fully advised of the conditions and management of all corrective institutions, supported wholly or in part by county or municipal taxation, or which are under county or municipal control, and especially the county jails[, almshouses and municipal prisons]. They shall examine every department of each institution, and shall ascertain its condition as to effective and economical administration, the cleanliness, discipline and comfort of its inmates and other respects, and at least once in every three months all of said institutions shall be visited by said board or a committee of its members. In case the said board or one of its committees shall find any state of things in any institution, which in their opinion shall be injurious to the county or to the inmates of the institution, or which is contrary to good order and public policy, it shall be their duty to address a memorial to the **presiding judge, sheriff, and county commission**, or other officials having jurisdiction, in which memorial they shall set forth the facts observed and shall suggest such remedies as in their judgment may be necessary.

**221.350. BOARD TO MAKE YEARLY REPORT.** — The board of county visitors each year shall prepare a full report of their proceedings during the year, with such recommendations as they may deem advisable, and shall file the same with the [director of the division of family services of the department of social services on or before the first day of November of each year] **presiding judge of the circuit court, sheriff, and county commission**. Whenever the board of county visitors shall present a memorial or report to the county commission or to the judge of the circuit court, they shall, at the same time, transmit a copy of the same to the [director of the division of family services and they may at any time call upon him for advice and assistance in the performance of their duties. The director of the division of family services shall furnish each board of county visitors with such stationery, blanks and postage stamps as said board of county visitors may need to make the report prescribed by this section to the division of family services] **sheriff of the county**.

**589.400. REGISTRATION OF CERTAIN OFFENDERS WITH CHIEF LAW OFFICERS OF COUNTY OF RESIDENCE — TIME LIMITATION — CITIES MAY REQUEST COPY OF REGISTRATION.** — 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty to committing, or attempting to commit, a felony offense of chapter 566, RSMo, or any offense of chapter 566, RSMo, where the victim is a minor; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty to committing, or attempting to commit one or more of the following offenses: kidnapping, pursuant to section 565.110, RSMo; felonious restraint; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; incest; abuse of a child, pursuant to section 568.060, RSMo; use of a child in a sexual performance; or promoting sexual performance by a child; and committed or attempted to commit the offense against a victim who is a minor, defined for the purposes of sections 589.400 to 589.425 as a person under eighteen years of age; or

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

(5) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state or under federal jurisdiction to committing, or attempting to commit, an offense which, if committed in this state, would be a violation of chapter 566, RSMo, or a felony violation of any offense listed in subdivision (2) of this subsection or has been or is required to register in another state or has been or is required to register under federal or military law; or

(6) Any person who has been or is required to register in another state or has been or is required to register under federal or military law and who works or attends school or training on a full-time or on a part-time basis in Missouri. "Part-time" in this subdivision means for more than fourteen days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 apply shall, within ten days of conviction, release from incarceration, or placement upon probation, register with the chief law enforcement official of the county in which such person resides unless such person has already registered in that county for the same offense. Any person to whom sections 589.400 to 589.425 apply if not currently registered in their county of residence shall register with the chief law enforcement official of such county within ten days of August 28, [2002] **2003**. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town [or], village, **or campus** law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town [or], village, **or campus** law enforcement agency, if so requested.

3. The registration requirements of sections 589.400 through 589.425 are lifetime registration requirements unless all offenses requiring registration are reversed, vacated or set aside or unless the registrant is pardoned of the offenses requiring registration.

**589.407. REGISTRATION, REQUIRED INFORMATION.** — Any registration pursuant to sections 589.400 to 589.425 shall consist of completion of an offender registration form developed by the Missouri state highway patrol. Such form shall include, but is not limited to the following:

(1) A statement in writing signed by the person, giving the name, address, Social Security number and phone number of the person, the place of employment of such person, **enrollment within any institutions of higher education**, the crime which requires registration, whether the person was sentenced as a persistent or predatory offender pursuant to section 558.018, RSMo, the date, place, and a brief description of such crime, the date and place of the conviction or plea regarding such crime, the age and gender of the victim at the time of the offense and whether the person successfully completed the Missouri sexual offender program pursuant to section 589.040, if applicable; and

(2) The fingerprints and a photograph of the person.

**589.414. REGISTRANT'S DUTIES ON CHANGE OF ADDRESS — TIME LIMITATIONS FOR CERTAIN NOTIFICATIONS.** — 1. If any person required by sections 589.400 to 589.425 to register changes residence or address within the same county as such person's previous address, the person shall inform the chief law enforcement official in writing within ten days of such new address and phone number, if the phone number is also changed.

2. If any person required by sections 589.400 to 589.425 to register changes such person's residence or address to a different county, the person shall appear in person and shall inform both the chief law enforcement official with whom the person last registered and the chief law

enforcement official of the county having jurisdiction over the new residence or address in writing within ten days, of such new address and phone number, if the phone number is also changed. If any person required by sections 589.400 to 589.425 to register changes their state of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement official of the area in the new state having jurisdiction over the new residence or address within ten days of such new address. Whenever a registrant changes residence, the chief law enforcement official of the county where the person was previously registered shall promptly inform the Missouri state highway patrol of the change. When the registrant is changing the residence to a new state, the Missouri state highway patrol shall promptly inform the responsible official in the new state of residence.

**3. Any person required by sections 589.400 to 589.425 to register who changes his or her enrollment or employment status with any institution of higher education within the state, by either beginning or ending such enrollment or employment, shall inform the chief law enforcement officer of such change within seven days after such change is made.**

**4.** Any person required by sections 589.400 to 589.425 to register who officially changes such person's name shall inform the chief law enforcement officer of such name change within seven days after such change is made.

[4.] **5.** In addition to the requirements of subsections 1 and 2 of this section, the following offenders shall report in person to the county law enforcement agency every ninety days to verify the information contained in their statement made pursuant to section 589.407:

(1) Any offender registered as a predatory or persistent sexual offender under the definitions found in section 558.018, RSMo;

(2) Any offender who is registered for a crime where the victim was less than eighteen years of age at the time of the offense; and

(3) Any offender who has pled guilty or been found guilty pursuant to section 589.425 of failing to register or submitting false information when registering.

[5.] **6.** In addition to the requirements of subsections 1 and 2 of this section, all registrants shall report annually in person in the month of their birth to the county law enforcement agency to verify the information contained in their statement made pursuant to section 589.407.

[6.] **7.** In addition to the requirements of subsections 1 and 2 of this section, all Missouri registrants who work or attend school or training on a full-time or part-time basis in any other state shall be required to report in person to the chief law enforcement officer in the area of the state where they work or attend school or training and register in that state. Part-time in this subsection means for more than fourteen days in any twelve-month period.

**610.120. RECORDS TO BE CONFIDENTIAL — ACCESSIBLE TO WHOM, PURPOSES. — 1.** Records required to be closed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this section and section 43.507, RSMo. [They shall be available to] **The closed records shall be available to: criminal justice agencies for the administration of criminal justice pursuant to section 43.500, RSMo, criminal justice employment, screening persons with access to criminal justice facilities, procedures, and sensitive information; to law enforcement agencies for issuance or renewal of a license, permit, certification, or registration of authority from such agency including but not limited to watchmen, security personnel, private investigators, and persons seeking permits to purchase or possess a firearm; those agencies authorized by section 43.543, RSMo, to submit and when submitting fingerprints to the central repository; the sentencing advisory commission created in section 558.019, RSMo, for the purpose of studying sentencing practices[, and only to courts, law enforcement agencies, child care agencies,] in accordance with section 43.507, RSMo; to qualified entities for the purpose of screening providers defined in section 43.540, RSMo; the department of revenue for [driving record purposes, facilities as defined in section 198.006, RSMo, in-home services**

provider agencies as defined in section 660.250, RSMo,] **driver license administration**; the division of workers' compensation for the purposes of determining eligibility for crime victims' compensation pursuant to sections 595.010 to 595.075, RSMo, **department of health and senior services for the purpose of licensing and regulating facilities and regulating in-home services provider agencies** and federal agencies for purposes of [prosecution, sentencing, parole consideration,] **criminal justice administration**, criminal justice employment, child, **elderly, or disabled** care [employment, nursing home employment], and [to federal agencies] for such investigative purposes as authorized by law or presidential executive order.

2. These records shall be made available **only** for the [above] purposes [regardless of any previous statutory provision which had closed such records to certain agencies or for certain purposes.] **and to the entities listed in this section. A criminal justice agency receiving a request for criminal history information under its control may require positive identification, to include fingerprints of the subject of the record search, prior to releasing closed record information. Dissemination of closed and open records from the Missouri criminal records repository shall be in accordance with section 43.509, RSMo.** All records which are closed records shall be removed from the records of the courts, administrative agencies, and law enforcement agencies which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book.

[2. As used in this section, the term "child care" includes providers and youth services agencies as those terms are defined in section 43.540, RSMo, elementary and secondary school teachers, and elementary and secondary school bus drivers, whether such drivers are employed by a school or an entity which has contracted with the school to provide transportation services.]

**610.123. PROCEDURE TO EXPUNGE, SUPREME COURT TO PROMULGATE RULES — SIMILAR TO SMALL CLAIMS.** — 1. Any person who wishes to have a record of arrest expunged pursuant to section 610.122 may file a verified petition for expungement in the civil division of the circuit court in the county of the arrest as provided in subsection 4 of this section. The petition shall include the following information or shall be dismissed if the information is not given:

- (1) The petitioner's:
  - (a) Full name;
  - (b) Sex;
  - (c) Race;
  - (d) Date of birth;
  - (e) Driver's license number;
  - (f) Social Security number; and
  - (g) Address at the time of the arrest;
- (2) The offense charged against the petitioner;
- (3) The date the petitioner was arrested;
- (4) The name of the county where the petitioner was arrested and if the arrest occurred in a municipality, the name of the municipality;
- (5) The name of the agency that arrested the petitioner;
- (6) The case number and court of the offense;
- (7) **Petitioner's fingerprints on a standard fingerprint card at the time of filing a petition to expunge a record that will be forwarded to the central repository for the sole purpose of positively identifying the petitioner.**

2. The petition shall name as defendants all law enforcement agencies, courts, prosecuting attorneys, central state depositories of criminal records or others who the petitioner has reason

to believe may possess the records subject to expungement. The court's order shall not affect any person or entity not named as a defendant in the action.

3. The court shall set a hearing on the matter no sooner than thirty days from the filing of the petition and shall give reasonable notice of the hearing to each official or agency or other entity named in the petition.

4. If the court finds that the petitioner is entitled to expungement of any record that is the subject of the petition, it shall enter an order directing expungement. A copy of the order shall be provided to each agency identified in the petition pursuant to subsection 2 of this section.

5. The supreme court shall promulgate rules establishing procedures for the handling of cases filed pursuant to the provisions of this section and section 610.122. Such procedures shall be similar to the procedures established in chapter 482, RSMo, for the handling of small claims.

**630.170. DISQUALIFICATION FOR EMPLOYMENT BECAUSE OF CONVICTION — APPEAL PROCESS — CRIMINAL RECORD REVIEW, PROCEDURE — REGISTRY MAINTAINED, WHEN. —**

1. A person **who is listed on the department of mental health disqualification registry pursuant to this section, who is listed on the department of social services or the department of health and senior services employee disqualification list pursuant to section 660.315, RSMo, or who has been convicted of or pled guilty or nolo contendere to any crime pursuant to section 630.155 or 630.160** shall be disqualified from holding any position in any public or private facility or day program operated, funded or licensed by the department or in any mental health facility or mental health program in which people are admitted on a voluntary or involuntary basis or are civilly detained pursuant to chapter 632, RSMo.

2. A person **who has been convicted of or pled guilty or nolo contendere to any felony offense against persons as defined in chapter 565, RSMo; [of] any felony sexual offense as defined in chapter 566, RSMo; [of] any felony offense defined in section 568.020, 568.045, 568.050, 568.060, 569.020, 569.025, 569.030, 569.035, 569.040 [or], 569.050, 569.070, or 569.160, RSMo, or of an equivalent felony offense, or who has been convicted of or pled guilty or nolo contendere to any violation of subsection 3 of section 198.070, RSMo,** shall be disqualified from holding any direct-care position in any public or private facility, day program, residential facility or specialized service operated, funded or licensed by the department or any mental health facility or mental health program in which people are admitted on a voluntary basis or are civilly detained pursuant to chapter 632, RSMo.

3. A **person who has received a suspended imposition of sentence or a suspended execution of sentence following a plea of guilty to any of the disqualifying crimes listed in subsection 1 or 2 of this section shall remain disqualified.**

4. Any person disqualified pursuant to the provisions of subsection 1 or 2 of this section may [appeal] **seek an exception to the disqualification [to] from the director of the department or the director's designee.** The request shall be written and may not be made more than once every twelve months. The request may be granted by the director or designee if in the judgment of the director or designee a clear showing has been made by written submission only, that the person will not commit any additional acts for which the person had originally been disqualified for or any other acts that would be harmful to a patient, resident or client of a facility, program or service. The director or designee may grant [the appeal] **an exception** subject to any conditions deemed appropriate and failure to comply with such terms may result in the person again being disqualified. Decisions by the director or designee pursuant to the provisions of this subsection shall not be subject to appeal. The right to [appeal] **request an exception** pursuant to this subsection shall not apply to persons [convicted of] **who are disqualified due to being listed on the department of social services or department of health and senior services employee disqualification list pursuant to section 660.315, RSMo, nor to persons disqualified from employment due to any crime pursuant to the provisions of chapter 566 [or 568], RSMo, or section 565.020 [or], 565.021, 568.020, 568.060, 569.025, or 569.070, RSMo.**

5. An applicant for a direct care position in any public or private facility, day program, residential facility, or specialized service operated, funded, or licensed by the department or any mental health facility or mental health program in which people are admitted on a voluntary basis or are civilly detained pursuant to chapter 632, RSMo, shall:

(1) Sign a consent form as required by section 43.540, RSMo, to provide written consent for a criminal record review;

(2) Disclose the applicant's criminal history. For the purposes of this subdivision "criminal history" includes any suspended imposition of sentence, any suspended execution of sentence, or any period of probation or parole; and

(3) Disclose if the applicant is listed on the employee disqualification list as provided in section 660.315, RSMo, or the department of mental health disqualification registry as provided for in this section.

6. Any person who has received a good cause waiver issued by the division of senior services or its predecessor under subsection 9 of section 660.317, RSMo, shall not require an additional exception under this section in order to be employed in a long-term care facility licensed under chapter 198, RSMo.

7. Any public or private residential facility, day program, or specialized service licensed, certified, or funded by the department shall, not later than two working days after hiring any person for a full-time, part-time, or temporary position that will have contact with clients, residents, or patients:

(1) Request a criminal background check as provided in section 43.540, RSMo;

(2) Make an inquiry to the department of social services and department of health and senior services to determine whether the person is listed on the employee disqualification list as provided in section 660.315, RSMo; and

(3) Make an inquiry to the department of mental health to determine whether the person is listed on the disqualification registry as provided in this section.

8. An applicant who knowingly fails to disclose his or her criminal history as required in subsection 5 of this section is guilty of a class A misdemeanor. A provider is guilty of a class A misdemeanor if the provider hires a person to hold a direct care position knowing that such person has been disqualified pursuant to the provisions of subsection 1 or 2 of this section.

[4.] 9. The department may maintain a disqualification registry and place on the registry the names of any persons who have been finally determined by the department to be disqualified pursuant to this section, or who have had administrative substantiations made against them for abuse or neglect pursuant to department rule. Such list shall reflect that the person is barred from holding any position in any public or private facility or day program operated, funded or licensed by the department, or any mental health facility or mental health program in which persons are admitted on a voluntary basis or are civilly detained pursuant to chapter 632, RSMo.

**[43.521. JUVENILES NOT TO BE FINGERPRINTED, EXCEPTION.** — Sections 43.500 to 43.530 shall not require fingerprinting of juvenile offenders or reporting of information pertaining to a proceeding pursuant to the Missouri juvenile code, except in those cases where a juvenile is certified to the circuit court to stand trial as an adult.]

**[210.937. TERMINATION DATE OF SAFETY REGISTRATION AND ACCESS LINE.** — The provisions of sections 210.900 to 210.936 shall terminate on January 1, 2004.]

**[210.937. TERMINATION DATE OF SAFETY REGISTRATION AND ACCESS LINE.** — The provisions of sections 210.900 to 210.936 shall terminate on January 1, 2004.]

Approved July 11, 2003

## SB 186 [CCS HCS SB 186]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Removes ability of Marion County Circuit Court to appoint Div. I circuit clerk if office is separated from recorder.**

AN ACT to repeal sections 59.041, 59.042, and 483.015, RSMo, and to enact in lieu thereof three new sections relating to recorders of deeds and other county offices.

**SECTION**

- A. Enacting clause.
- 59.041. Separation of offices of circuit clerk and recorder of deeds (certain second class counties) — office to be placed on ballot, when.
- 59.042. Vote required to separate offices of circuit court clerk and recorder of deeds, when.
- 483.015. Election — term of office — commission exceptions, Jackson County court administrator to be clerk, St. Louis County circuit clerk, how selected — circuit clerk of sixth and seventh judicial circuits, how selected.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 59.041, 59.042, and 483.015, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 59.041, 59.042, and 483.015, to read as follows:

**59.041. SEPARATION OF OFFICES OF CIRCUIT CLERK AND RECORDER OF DEEDS (CERTAIN SECOND CLASS COUNTIES) — OFFICE TO BE PLACED ON BALLOT, WHEN.** — 1. Notwithstanding the provisions of this chapter or chapter 478, RSMo, or any other provision of law in conflict with the provisions of this section, in any county which becomes a county of the second class after September 28, 1987, and wherein the offices of circuit clerk and recorder of deeds are combined, such combination shall continue until the governing body of the county authorizes the separation of the offices as provided in section 59.042.

2. [Notwithstanding the provisions of this chapter or chapter 478, RSMo, or any other provision of law in conflict with the provisions of this section, in any county of the third classification without a township form of government and having a population of more than twenty-seven thousand six hundred but less than twenty-eight thousand six hundred and wherein the offices of the district I circuit clerk and recorder of deeds are combined, the circuit court shall appoint such circuit clerk ex officio recorder of deeds. The circuit court may recommend to the governing body of such county whether the combined offices of the district I circuit clerk and recorder of deeds should be separated pursuant to subsection 1 of section 59.042; provided however, that if the governing body of such county authorizes the separation of offices and notwithstanding the provisions of subsection 2 of section 59.042, the office of district I clerk of the circuit court shall remain appointed by the circuit court.] **Each county in which the circuit clerk ex officio recorder of deeds was appointed to office before August 28, 2003, shall place the office on the ballot at the general election in November 2006, and the person elected at the general election shall be the circuit clerk ex officio recorder of deeds of the county until a successor is elected and qualified pursuant to section 483.015, RSMo. The person in such office on August 28, 2003, shall continue to hold office until a successor is elected and qualified pursuant to this subsection unless sooner removed. In the event that the county separates the offices of circuit clerk and recorder of deeds before the general election in November 2006, the person in office at the time of the separation shall continue to perform the duties of the offices until a successor is elected and qualified for each office**

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pursuant to this section, section 59.020, and section 483.015, RSMo, unless sooner removed.

**59.042. VOTE REQUIRED TO SEPARATE OFFICES OF CIRCUIT COURT CLERK AND RECORDER OF DEEDS, WHEN.** — In any county where the offices of clerk of the circuit court and the recorder of deeds are combined, the governing body of said county, by public vote, may authorize the separation of the two offices. **In all counties where the offices are separated after August 28, 2003, the qualified voters shall elect a separate recorder of deeds at the next general election.** Thereafter, the recorder of deeds shall be elected pursuant to section 59.020.

**483.015. ELECTION — TERM OF OFFICE — COMMISSION EXCEPTIONS, JACKSON COUNTY COURT ADMINISTRATOR TO BE CLERK, ST. LOUIS COUNTY CIRCUIT CLERK, HOW SELECTED — CIRCUIT CLERK OF SIXTH AND SEVENTH JUDICIAL CIRCUITS, HOW SELECTED.**

— 1. At the general election in the year 1982, and every four years thereafter, except as herein provided and except as otherwise provided by law, circuit clerks shall be elected by the qualified voters of each county and of the city of St. Louis, who shall be commissioned by the governor, and shall enter upon the discharge of their duties on the first day in January next ensuing their election, and shall hold their offices for the term of four years, and until their successors shall be duly elected and qualified, unless sooner removed from office.

2. The court administrator for Jackson County provided by the charter of Jackson County shall be selected as provided in the county charter and shall exercise all of the powers and duties of the circuit clerk of Jackson County. The director of judicial administration and the circuit clerk of St. Louis County shall be selected as provided in the charter of St. Louis County.

3. When provision is made in a county charter for the appointment of a court administrator to perform the duties of a circuit clerk or for the appointment of a circuit clerk, such provisions shall prevail over the provisions of this chapter providing for a circuit clerk to be elected. The persons appointed to fill any such appointive positions shall be paid by the counties as provided by the county charter or ordinance; provided, however, that if provision is now or hereafter made by law for the salaries of circuit clerks to be paid by the state, the state shall pay over to the county a sum which is equivalent to the salary that would be payable by law by the state to an elected circuit clerk in such county if such charter provision was not in effect. The sum shall be paid in semimonthly or monthly installments, as designated by the commissioner of administration.

4. **The circuit clerk in the sixth judicial circuit and in the seventh judicial circuit shall be appointed by a majority of the circuit judges and associate circuit judges of the circuit court, en banc. The circuit clerk in those circuits shall be removable for cause by a majority of the circuit judges and associate circuit judges of such circuit, en banc, in accordance with supreme court administrative rules governing court personnel. This subsection shall become effective on January 1, 2004, and the elected circuit clerks in those circuits in office at that time shall continue to hold such office for the remainder of their elected terms as if they had been appointed pursuant to the terms of this subsection.**

Approved July 11, 2003

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SB 194 [SCS SB 194 & 189]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Allows Indian tribes to be considered employers.**

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AN ACT to amend chapter 288, RSMo, by adding thereto one new section relating to unemployment reimbursement for Indian tribes in compliance with federal mandate, with an emergency clause.

SECTION

- A. Enacting clause.
- 288.037. Indian tribes considered employers for purposes of unemployment compensation payments, when — definitions — requirements.
- B. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 288, RSMo, is amended by adding thereto one new section, to be known as section 288.037, to read as follows:

**288.037. INDIAN TRIBES CONSIDERED EMPLOYERS FOR PURPOSES OF UNEMPLOYMENT COMPENSATION PAYMENTS, WHEN — DEFINITIONS — REQUIREMENTS. — 1.** The term "employer" shall include any Indian tribe for which service in employment as defined in section 288.034 is performed.

2. The term "employment" shall include service performed in the employ of an Indian tribe, as defined in Section 3306(u) of the Federal Unemployment Tax Act (FUTA), provided such service is excluded from "employment" as defined in FUTA solely by reason of Section 3306(c)(7), FUTA, and is not otherwise excluded from "employment" under this chapter. For purposes of this section, the exclusions from employment in subsection 9 of section 288.034 shall be applicable to services performed in the employ of an Indian tribe.

3. Benefits based on service in employment defined in this section shall be payable in the same amount, on the same terms, and subject to the same conditions as benefits payable on the basis of other service subject to this chapter. The provisions of subsection 3 of section 288.040 pertaining to services performed at an educational institution while in the employ of an "educational service agency" shall apply to services performed in an educational institution or educational service agency wholly owned and operated by an Indian tribe or tribal unit.

4. (1) Indian tribes or tribal units, including subdivisions, subsidiaries, or business enterprises wholly owned by such Indian tribes, subject to this chapter shall pay contributions under the same terms and conditions as all other subject employers, unless they elect to pay into the state unemployment fund amounts equal to the amount of benefits attributable to service in the employ of the Indian tribe. An Indian tribe and all tribal units of such Indian tribe shall be jointly and severally liable for any and all contributions, payments in lieu of contributions, interest, penalties, and surcharges owed by the Indian tribe and all tribal units of such Indian tribe.

(2) Indian tribes electing to make payments in lieu of contributions must make such election in the same manner and under the same conditions as provided in subsection 3 of section 288.090 pertaining to state and local governments and nonprofit organizations subject to this chapter. Indian tribes will determine if reimbursement for benefits paid will be elected by the tribe as a whole, by individual tribal units, or by combinations of individual tribal units. Termination of an Indian tribe's coverage pursuant to subdivision (5) of this subsection shall terminate the election of such Indian tribe and any tribal units of such Indian tribe to make payments in lieu of contributions.

(3) Indian tribes or tribal units will be billed for the full amount of benefits attributable to service in the employ of the Indian tribe or tribal unit on the same schedule as other employing units that have elected to make payments in lieu of contributions.

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(4) Any Indian tribe or tribal unit that elects to become liable for payments in lieu of contributions shall be required, prior to the effective date of its election, to post with the division a surety bond issued by a corporate surety authorized to do business in Missouri in an amount equivalent to the contributions or payments in lieu of contributions for which the Indian tribe or tribal unit was liable in the last calendar year in which it accrued contributions or payments in lieu of contributions, or one hundred thousand dollars, whichever amount is the greater, to ensure prompt payment of contributions or payments in lieu of contributions, interest, penalties, and surcharges for which the Indian tribe or tribal unit may be, or becomes, jointly and severally liable pursuant to this chapter.

(5) Failure of the Indian tribe or tribal unit to maintain the required surety bond, including the posting of an additional surety bond or a replacement surety bond within ninety days of being directed by the division, will cause services performed for such Indian tribe to not be treated as "employment" for purposes of subsection 2 of this section.

(6) The director may determine that any Indian tribe that loses coverage under subdivision (5) of this subsection, may have services performed for such tribe again included as "employment" for purposes of subsection 2 of this section if all contributions, payments in lieu of contributions, penalties, surcharges, and interest have been paid. Upon reinstatement of coverage under this subdivision, an Indian tribe or any tribal unit may elect, in accordance with the provisions of this subsection, to make payments in lieu of contributions.

(7) If an Indian tribe fails to maintain the required surety bond by posting an additional surety bond or a replacement surety bond within ninety days of being directed by the division, the director will immediately notify the United States Internal Revenue Service and the United States Department of Labor.

(8) Notices of surety bond deficiency to Indian tribes or their tribal units shall include information that failure to post an additional surety bond or a replacement surety bond within the prescribed time frame:

- (a) Will cause the Indian tribe to be liable for taxes under FUTA;
- (b) Will cause the Indian tribe to be excepted from the definition of "employer", as provided in subsection 1 of this section, and services in the employ of the Indian tribe, as provided in subsection 2 of this section, to be excepted from "employment".

5. (1) Failure of the Indian tribe or tribal unit to make required payments, including assessments of interest and penalty, within ninety days of receipt of the bill will cause services performed for such Indian tribe to not be treated as "employment" for purposes of subsection 2 of this section.

(2) The director may determine that any Indian tribe that loses coverage under subdivision (1) of this subsection, may have services performed for such tribe again included as "employment" for purposes of subsection 2 of this section if all contributions, payments in lieu of contributions, penalties, surcharges, and interest have been paid.

(3) If an Indian tribe fails to make payments required under this section, including assessments of interest and penalty, within ninety days of a final notice of delinquency, the director will immediately notify the United States Internal Revenue Service and the United States Department of Labor.

6. Notices of payment and reporting delinquency to Indian tribes or their tribal units shall include information that failure to make full payment within the prescribed time frame:

- (1) Will cause the Indian tribe to be liable for taxes under FUTA;
- (2) Will cause the Indian tribe to be excepted from the definition of "employer", as provided in subsection 1 of this section, and services in the employ of the Indian tribe, as provided in subsection 2 of this section, to be excepted from "employment".

**7. Extended benefits paid that are attributable to service in the employ of an Indian tribe and not reimbursed by the federal government shall be financed in their entirety by such Indian tribe.**

**SECTION B. EMERGENCY CLAUSE.** — Because the state is out of compliance with a federal mandate and such noncompliance may subject the state and employers within the state to forfeiture of millions of dollars of tax credits and grants, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved May 8, 2003

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SB 202 [SCS SB 202]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Requires access to water supply for fire protection entities during emergencies.**

AN ACT to amend chapter 320, RSMo, by adding thereto one new section relating to access of fire protection entities to a water supply.

**SECTION**

A. Enacting clause.

320.095. Water supply, access during emergencies for fire protection services, requirements — liability for damages.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 320, RSMo, is amended by adding thereto one new section, to be known as section 320.095, to read as follows:

**320.095. WATER SUPPLY, ACCESS DURING EMERGENCIES FOR FIRE PROTECTION SERVICES, REQUIREMENTS — LIABILITY FOR DAMAGES.** — **1.** Notwithstanding any other provision of law to the contrary, any water corporation, municipality, or public water supply district established pursuant to chapter 247, RSMo, shall allow access to its supply of water for filling mobile equipment during an emergency involving the protection of life or property to a fire protection district, city fire department, or any other entity providing fire protection services, regardless of any non-payment of fees to the water corporation, municipality, or public water supply district.

**2.** Nothing in this section shall authorize the connection of pumping equipment to water lines without authorization from the governing body of the affected water supply.

**3.** In no circumstance shall a hard suction connection be utilized in obtaining water from a water source.

**4.** A fire protection service shall notify any source of water utilized pursuant to this section of the estimated amount of water utilized during such emergency, on or before the fifteenth day of the following month for purposes of accountability of unaccounted for water.

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5. Under no circumstance shall any entity be authorized to deplete a water supply to a pressure less than the minimum pounds per square inch as required by law or regulation.

6. Any entity which contemplates using water for emergency services pursuant to this section shall provide its personnel with adequate training on the basics of water system supply and proper maintenance and operation of valves and hydrants.

7. The entity providing fire protection shall be liable for any damages caused by it to any part of the water supply system from which water is taken.

Approved July 9, 2003

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SB 207 [SB 207]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Modifies the law regarding damage claims by rental companies for rental motor vehicles.**

AN ACT to repeal section 407.735, RSMo, and to enact in lieu thereof one new section relating to rental vehicle damage claims.

SECTION

A. Enacting clause.

407.735. Business practices, nondeceptive — collision damage waiver, terms, conditions, notice required — damages, estimates, how made.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 407.735, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 407.735, to read as follows:

**407.735. BUSINESS PRACTICES, NONDECEPTIVE — COLLISION DAMAGE WAIVER, TERMS, CONDITIONS, NOTICE REQUIRED — DAMAGES, ESTIMATES, HOW MADE.** — 1. Any business practices utilized by car rental companies in furtherance of their business of renting vehicles to the public shall be nondeceptive, fair and shall not be unconscionable.

2. Any collision damage waiver product offered for sale to the public shall not contain any provisions that are deceptive, unfair or unconscionable. It is deceptive, unfair, and unconscionable to require a consumer to assume absolute liability for damage or loss up to the total value of a rental vehicle regardless of fault as a condition of the rental agreement, and then not include as part of any collision damage waiver product, a waiver of liability for any damage or loss which occurs as a result of the consumer's ordinary negligence, except where:

(1) The damage is caused intentionally by an authorized driver or as a result of his willful and wanton misconduct;

(2) The damage arises out of the authorized driver's operation of the vehicle while intoxicated or under the influence of any illegal or unauthorized drug;

(3) The rental transaction is based on fraudulent information supplied by the renter;

(4) The damage arises out of the use of the vehicle while committing or otherwise engaged in a criminal act in which the automobile usage is substantially related to the nature of the criminal activity;

(5) The damage arises out of the use of the vehicle to carry persons or property for hire;

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(6) The damage occurs while the vehicle is operated by a person other than an authorized driver. For the purposes of this subsection, "authorized driver" means the person to whom the vehicle is rented; the renter's spouse or other family members who are licensed drivers and satisfy the rental company's minimum age requirement; the renter's employer or co-worker if they are engaged in business activity with the person to whom the vehicle is rented, are licensed drivers, and satisfy the rental company's minimum age requirement; any person who operates the vehicle during an emergency situation or while parking the vehicle at a commercial establishment; and any person expressly listed by the rental company on the rental agreement as an authorized driver;

(7) The damage arises out of the use of the vehicle outside of the United States unless such use is specifically authorized by the rental agreement;

(8) Towing or pushing anything or if operation of the vehicle on an unpaved road has resulted in damage or loss which is a direct result of the road or driving conditions.

**(9) Loss due to the theft of the rental vehicle. However, the renter shall be presumed to have no liability for any loss due to theft if (A) an authorized driver has possession of the ignition key furnished by the rental company or an authorized driver establishes that the ignition key furnished by the rental company was not in the vehicle at the time of the theft, and (B) an authorized driver files an official report of the theft with the police or other law enforcement agency within 24 hours of learning of the theft and reasonably cooperates with the rental company and the police or other law enforcement agency in providing information concerning the theft. The presumption set forth in this paragraph is a presumption affecting the burden of proof which the rental company may rebut by establishing that an authorized driver committed, or aided and abetted the commission of, the theft.**

3. Any claim resulting from [physical] damage to or loss of a rental vehicle [exceeding five hundred dollars] **shall be reasonably and rationally related to the actual loss incurred. The rental company shall not assert or collect any claim for physical or mechanical damage to or loss of a rental vehicle which exceeds: the actual cash value of the vehicle immediately before the loss less any proceeds from the vehicle's disposal after the loss, or the actual cost to repair the damaged vehicle including all discounts or price reductions, whichever is less. Such claim** shall be based on an estimate of damage **or repair invoice** made by an independent appraisal company [or by], an insurance company, **or a repair facility that completed or would complete the repairs.** A rental company's charge for loss of use shall not exceed a reasonable estimate of the actual income lost.

4. It is a deceptive and unfair practice for a car rental company or employee to misrepresent any element of a rental agreement transaction or to fail to disclose to consumers all material facts and restrictions applicable to the rental of a vehicle or in the sale of optional products or services. The company shall disclose the extent of the consumer's liability for the vehicle and the price for collision damage waiver and applicable mileage limitations and charges. No car rental company shall sell or offer to sell a consumer a collision damage waiver product as a part of the rental agreement unless the car rental company first provides the consumer with the following written notice:

NOTICE: THIS CONTRACT OFFERS, FOR AN ADDITIONAL CHARGE, A COLLISION DAMAGE WAIVER TO COVER YOUR RESPONSIBILITY FOR DAMAGE TO THE VEHICLE. BEFORE YOU DECIDE WHETHER TO PURCHASE THE COLLISION DAMAGE WAIVER PRODUCT, YOU MAY WISH TO DETERMINE WHETHER YOUR OWN VEHICLE INSURANCE AFFORDS YOU COVERAGE FOR DAMAGE TO THE RENTAL VEHICLE AND THE AMOUNT OF THE DEDUCTIBLE UNDER YOUR OWN INSURANCE COVERAGE. THE PURCHASE OF THIS COLLISION DAMAGE WAIVER PRODUCT IS NOT MANDATORY AND MAY BE DECLINED.

Such notice shall be made on the face of the rental agreement as part of the written contract, shall be set apart in bold-face type and in no smaller print than 10-point type, and shall include a space for the consumer to acknowledge his receipt of this notice.

5. Car rental companies shall not place a hold against a consumer's credit limit or charge a consumer's credit card in a deceptive or unfair manner, and without full and complete disclosure of such practice.

Approved July 11, 2003

## SB 212 [HCS SCS SB 212 & 220]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Modifies provisions for highway patrol salary schedules and the Kansas City police retirement system.**

AN ACT to repeal sections 43.080, 86.370, 86.393, 86.398, 86.407, 86.447, 86.600, 86.671, 86.690, 86.720, and 86.745, RSMo, and to enact in lieu thereof eighteen new sections relating to law enforcement.

### SECTION

- A. Enacting clause.
- 43.080. Service salary increases — annual salary schedule submitted to governor and general assembly, contents — service defined.
- 86.370. Definitions.
- 86.374. Tax-exempt status of retirement plan to be maintained — assets of system to be held in trust — member benefits vested, when — distribution of benefits.
- 86.393. Administration vested in retirement board — members, how selected — vacancies, how filled.
- 86.394. Board members in active police service, leave to attend educational seminars.
- 86.398. Retirement board, purchase of liability insurance, indemnification of member, how — payment of legal expenses, when.
- 86.407. Board to establish rules and regulations — officers and employees.
- 86.434. Lump-sum option plan distribution of benefits, election procedure — void, when.
- 86.445. Incentives for early retirement, authority to administer and pay.
- 86.447. Pensions of dependents of deceased retired members — funeral benefit — special consultant, duty, compensation.
- 86.600. Definitions.
- 86.611. Tax-exempt status of retirement plan to be maintained — assets of system to be held in trust — member benefits vested, when — distribution of benefits.
- 86.665. Lump-sum option plan distribution, procedure — void, when.
- 86.671. Offsets to workers' compensation payments — rulemaking authorized — member's percentage defined.
- 86.676. Incentives for early retirement, board to administer and pay.
- 86.690. Death of member prior to or following retirement, payments made, how — additional one thousand dollar funeral benefit paid, when.
- 86.720. Board to make rules — officers — employees.
- 86.745. Board may purchase liability insurance — indemnification in case of action, suit, or proceeding — when.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 43.080, 86.370, 86.393, 86.398, 86.407, 86.447, 86.600, 86.671, 86.690, 86.720, and 86.745, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 43.080, 86.370, 86.374, 86.393, 86.394, 86.398, 86.407, 86.434, 86.445, 86.447, 86.600, 86.611, 86.665, 86.671, 86.676, 86.690, 86.720, and 86.745, to read as follows:

**43.080. SERVICE SALARY INCREASES — ANNUAL SALARY SCHEDULE SUBMITTED TO GOVERNOR AND GENERAL ASSEMBLY, CONTENTS — SERVICE DEFINED.** — The superintendent is authorized and empowered to prescribe policies providing for increases [every five years] in the salaries of [such] members [beginning with the sixth year of service, and thereafter to fix the salaries of such members in accordance therewith, except that no such five-year increase shall exceed ten percent of the member's salary] **of the highway patrol. Each year, prior to January first, the superintendent shall submit a salary schedule report to the governor, speaker of the house of representatives, and the president pro tem of the senate. The salary schedule report prepared by the superintendent shall include, in addition to other matters deemed pertinent to the superintendent, a comparison of the salaries of police officers of the three largest police departments in the state. The governor may make additional recommendations to the report and forward them to the speaker of the house of representatives and the president pro tem of the senate. The speaker of the house of representatives and the president pro tem of the senate may assign the salary schedule report to the appropriate standing committees to review the salary comparisons to ensure that parity in the salary of members of the highway patrol and officers of the three largest police departments is maintained. The superintendent of the highway patrol shall testify before the appropriate committee on the salary schedule report if called upon by such committee.** The "service" of a member of the patrol, who has served in the armed forces of the United States and who has subsequently been reinstated as a member of the patrol within ninety days after receiving a discharge other than dishonorable from the armed forces of the United States, shall be considered service with the patrol as a member of the patrol rendered since last becoming a member prior to entrance into the armed forces of the United States; except that no member shall be entitled to any credit, privilege or benefit provided by this chapter if such member voluntarily extends or participates in an extension of the period of service, whether by reenlistment, waiver of discharge, acceptance of commission or any other action, with the armed forces beyond the period of service for which such member was originally commissioned, enlisted, inducted or called.

**86.370. DEFINITIONS.** — The following words and phrases as used in sections 86.370 to 86.497, unless a different meaning is plainly required by the context, shall have the following meanings, and the use of masculine gender shall include the feminine:

(1) "Accumulated contributions", the sum of all amounts deducted from the compensation of a member and paid to the retirement board, together with all amounts paid to the retirement board by a member or by a member's beneficiary, for the purchase of prior service credits or any other purpose permitted under sections 86.370 to 86.497;

(2) "Beneficiary", any person in receipt of pension or other benefit as provided in sections 86.370 to 86.497;

(3) "Board of police commissioners", any board composed of police commissioners and any other officials or boards authorized by law to employ and manage an organized police force in the cities;

(4) "City" or "cities", any city which now has or may hereafter have a population of more than three hundred thousand and less than seven hundred thousand inhabitants;

(5) "Compensation", whenever used in connection with members of the police retirement system created by sections 86.370 to 86.497, and whether used solely or as part of another defined term, the regular compensation which a member would earn during one year on the basis of the stated compensation for his rank and position, and therefore excluding any overtime pay, meal and travel expenses, uniform or other clothing allowances, any sick leave or vacation entitlements accrued from prior years, college incentive or skill incentive allowances and any other allowances available only to particular individuals and not a part of the base stated compensation for all persons holding the given rank and position; **except that, notwithstanding the foregoing, compensation for any year for any member shall not exceed the amount**

**permitted to be taken into account pursuant to Section 401(a)(17) of the Internal Revenue Code as applicable to such year;**

(6) "Creditable service", prior service plus membership service as provided in section 86.423;

(7) "Final compensation", the average annual compensation of a member during his service if less than two years, or the twenty-four months of his service for which he or she received the highest salary whether consecutive or otherwise. In computing the average annual compensation of a member under this subdivision, no compensation received for service which occurred after the thirtieth full year of membership service and no compensation attributable to any time a member was suspended from service without pay shall be included. For any period of time when a member is paid on a frequency other than monthly, the member's salary for such period shall be deemed to be the monthly equivalent of the member's annual rate of compensation for such period;

(8) "Fiscal year", the fiscal year of the cities;

(9) **"Internal Revenue Code", the United States Internal Revenue Code of 1986, as amended;**

(10) "Medical board", not less than one nor more than three physicians appointed by the retirement board to arrange for and conduct medical examinations as directed by the retirement board;

[(10)] (11) "Member", a member of the police retirement system as defined in section 86.380;

[(11)] (12) "Membership service", all service rendered as a policeman for compensation after June 15, 1946, excluding all probationary service of six months or less served prior to May 1, 1951;

[(12)] (13) "Pension", annual payments for life, payable monthly, beginning with the date of retirement and ending with death; if the total of such monthly payments plus benefits pursuant to section 86.447 is less than the total of the member's accumulated contributions, the excess of such accumulated contributions over the total of such monthly payments shall be paid in one sum to the beneficiary named by the member;

[(13)] (14) "Pension fund", the fund resulting from contributions made thereto by the cities affected by sections 86.370 to 86.497 and by the members of the police retirement system;

[(14) "Policeman"] (15) **"Police officer"**, entitled to membership in the police retirement system created by sections 86.370 to 86.497, is an officer or member of the police department of the cities employed for compensation by the boards of police commissioners of the cities for police duty and includes the chief of police, lieutenant colonels, majors, superintendents, captains, lieutenants, sergeants, corporals, detectives, patrolmen, supervisors, technicians, radio operators, radio dispatchers, jailers, and matrons, but does not include any police commissioner or members of the police reserve corps, or special officers appointed to serve at elections, or temporary police appointed at school crossings or special officers appointed to serve during emergencies, or anyone employed in a clerical or other capacity not involving police duties; except that any policeman as herein defined, who is assigned to the performance of other duties for the police departments of the cities, by reason of personal injury by accident or disability arising out of and in the course of his employment as a policeman, shall be and remain a member of the police retirement system without regard to the duties performed under such assignment; in case of dispute as to whether any person is a policeman qualified for membership in the retirement system, the decision of the board of police commissioners shall be final;

[(15)] (16) "Retirement board", the board provided in section 86.393 to administer the retirement system;

[(16)] (17) "Retirement system", the police retirement system of the cities as defined in section 86.373.

**86.374. TAX-EXEMPT STATUS OF RETIREMENT PLAN TO BE MAINTAINED — ASSETS OF SYSTEM TO BE HELD IN TRUST — MEMBER BENEFITS VESTED, WHEN — DISTRIBUTION OF BENEFITS. — 1.** A retirement plan pursuant to sections 86.370 to 86.497 is a qualified plan pursuant to the provisions of applicable federal law. The benefits and conditions of a retirement plan pursuant to sections 86.370 to 86.497 shall always be adjusted to ensure that the tax-exempt status is maintained.

2. The retirement board shall administer this retirement system in a manner as to retain at all times qualified status pursuant to Section 401(a) of the Internal Revenue Code.

3. The retirement board shall hold in trust the assets of this retirement system for the exclusive benefit of the members and their beneficiaries and for defraying reasonable administrative expenses of the system. No part of such assets shall, at any time prior to the satisfaction of all liabilities with respect to members and their beneficiaries, be used for or diverted to any purpose other than such exclusive benefit or to any purpose inconsistent with sections 86.370 to 86.497.

4. A member's benefit shall be one hundred percent vested and nonforfeitable upon the member's attainment of normal retirement age, which shall be the earlier of:

- (1) Completion of twenty-five years of service;
- (2) Age sixty if the member has completed at least ten years of creditable service;
- (3) Age seventy without regard to years of service; or

(4) To the extent funded, upon the termination of the system established pursuant to sections 86.370 to 86.497 or any partial termination which affects the member or any complete discontinuance of contributions by the city to the system. Amounts representing forfeited nonvested benefits of terminated members shall not be used to increase benefits payable from the system but may be used to reduce contributions for future plan years.

5. Distribution of benefits shall begin not later than April first of the year following the later of the calendar year during which the member becomes seventy and one-half years of age or the calendar year in which the member retires, and shall otherwise conform to Section 401(a)(9) of the Internal Revenue Code.

6. A member or beneficiary of a member shall not accrue a service retirement annuity, disability retirement annuity, death benefit, whether death occurs in the line of duty or otherwise, or any other benefit pursuant to sections 86.370 to 86.497 in excess of the benefit limits applicable to the fund pursuant to Section 415 of the Internal Revenue Code. The retirement board shall reduce the amount of any benefit that exceeds those limits by the amount of the excess. If the total benefits under this retirement system and the benefits and contributions to which any member is entitled under any other qualified plan or plans maintained by the board of police commissioners that employs the member would otherwise exceed the applicable limits pursuant to Section 415 of the Internal Revenue Code, the benefits the member would otherwise receive from this retirement system shall be reduced to the extent necessary to enable the benefits to comply with Section 415 of the Internal Revenue Code.

7. The total salary taken into account for any purpose for any member of this retirement system shall not exceed two hundred thousand dollars per year, subject to periodic adjustments in accordance with guidelines provided by the United States Secretary of the Treasury, and shall not exceed such other limits as may be applicable at any given time pursuant to Section 401(a)(17) of the Internal Revenue Code.

8. If the amount of any benefit is to be determined on the basis of actuarial assumptions that are not otherwise specifically set forth for that purpose in sections 86.370 to 86.497, the actuarial assumptions to be used are those earnings and mortality assumptions being used on the date of the determination by the retirement system's actuary and approved by the retirement board. The actuarial assumptions being used at any particular time shall be attached as an addendum to a copy of the retirement system's

statute that is maintained by the retirement board and shall be treated for all purposes as a part of sections 86.370 to 86.497. The actuarial assumptions may be changed by the retirement system's actuary annually if approved by the retirement board, but a change in actuarial assumptions shall not result in any decrease in benefits accrued as of the effective date of the change.

9. Any member or beneficiary who is entitled to receive any distribution that is an eligible rollover distribution, as defined by Section 402(c)(4) of the Internal Revenue Code, is entitled to have that distribution transferred directly to another eligible retirement plan of the member's or beneficiary's choice on providing direction to the secretary of this retirement system regarding that transfer in accordance with procedures established by the retirement board.

10. For all distributions made after December 31, 2001:

(1) For the purposes of subsection 9 of this section, an eligible retirement plan shall also mean an annuity contract described in Section 403(b) of the Internal Revenue Code and an eligible plan pursuant to Section 457(b) of the Internal Revenue Code which is maintained by the state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this retirement system. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse or to a spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Internal Revenue Code; and

(2) For purposes of subsection 9 of this section, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions which are not includable in gross income. However, such portion may be paid only to an individual retirement account or annuity described in Section 408(a) or 408(b) of the Internal Revenue Code, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of the Internal Revenue Code that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution that is includable in gross income and the portion of such distribution that is not so includable.

**86.393. ADMINISTRATION VESTED IN RETIREMENT BOARD — MEMBERS, HOW SELECTED — VACANCIES, HOW FILLED.** — 1. The general administration and the responsibility for the proper operation of the retirement system and for making effective the provisions of sections 86.370 to 86.497 are hereby vested in a retirement board of nine persons.

2. The board shall be constituted as follows:

(1) Two members, one of whom shall be of the political party casting the highest number of votes statewide for governor in the election next preceding such member's selection and the other of whom shall be of the political party casting the next highest number of votes statewide for governor at the election next preceding such member's selection, to be selected by the board of police commissioners of such cities to serve one- and two-year terms respectively. All such subsequent members shall serve for terms of two years each or to fill an unexpired term.

(2) Two members, one of whom shall be of the political party casting the highest number of votes statewide for governor in the election next preceding such member's selection and the other of whom shall be of the political party casting the next highest number of votes statewide for governor at the election next preceding such member's selection to be selected by the city council of said city, one of whom may be the director of finance of such city to act as ex officio member, and the other to serve for a term of two years.

(3) Five members shall be elected for three-year terms respectively or to fill an unexpired term, in annual elections in which each member of the police retirement system and, if such city has established a civilian employees' retirement system of the police department of such city

pursuant to the provisions of sections 86.600 to 86.790, each member of such civilian employees' retirement system shall be entitled to one vote.

3. Commencing with the first annual election for members of the retirement board [after August 28, 1991] **in 2004**, the five elected members of the board shall [include] **be designated and elected as follows:**

(1) **If a city has established a civilian employees' retirement system of the police department of such city pursuant to the provisions of sections 86.600 to 86.790, the elected members of the retirement board of such city shall consist of three restricted members and two open members:**

(a) [At least] One **restricted member shall be** a member of the police retirement system who has retired from active service with the police department as of the date of such member's election to the board;

(b) [At least] One **restricted member shall be** a member of the police retirement system who, as of the date of [his] **such member's** election to the board, is in active service as a [policeman] **police officer** and has not attained the rank of sergeant or higher;

(c) [At least] One **restricted member shall be** a member of the civilian employees' retirement system of the police department of such city[, if such city has established such a system pursuant to the provisions of sections 86.600 to 86.790].

**There shall be no required qualifications for open members. At the annual election in 2004 and each third year thereafter, one open member shall be elected to a three-year term. At the annual election in 2005 and each third year thereafter, one open member shall be elected to a three-year term. At the annual election in 2006 and each third year thereafter, the three restricted members shall be elected to a three-year term. Such elections shall be conducted simultaneously but as elections for three separate offices, in which only persons qualified for a respective office may be a candidate for such office;**

(2) **If a city has not established a civilian employees' retirement system of the police department of such city pursuant to the provisions of sections 86.600 to 86.790, the elected members of the retirement board of such city shall consist of two restricted members and three open members. All provisions of subdivision (1) of this subsection shall apply, except that the restricted membership provided for a member of a civilian employees' retirement system shall be an open membership;**

(3) **In every election in which more than one position is to be filled, either for a three-year term or for the unexpired portion of the term of a position which has become vacant, every candidate in such election must declare the position to which such candidate desires to be elected; and no person may be a candidate for more than one such position in any given election;**

(4) [Whenever] Any person [is] elected to a **restricted position on the** retirement board who at the time of such election meets the qualifications [of paragraph (a), (b), or (c) of subdivision (3) of subsection 2 of this section, that person] **for such position** shall be deemed to continue to meet such qualifications[, and the requirements of this section with respect to paragraph (a), (b), or (c) of subdivision (3) of subsection 2 of this section, the qualifications of which are so met by such person shall continue to be satisfied.] throughout the term to which such person was elected, regardless of any change in the rank, classification or other employment status of such person[, unless such person dies, resigns as a member of such board or for any other reason ceases to serve as a member of such board.

(5) **At the first annual election for members of the retirement board after August 28, 1991, there shall be elected three members to such board for three-year terms, in addition to any other election necessary to fill the unexpired portion of a term in which a vacancy has occurred. At each of the next two such annual elections, there shall be elected one member to such board for a three-year term, in addition to any other election necessary to fill the unexpired portion of a term in which a vacancy has occurred. At such annual election in each subsequent year, there shall be elected one member to such board for a three-year term for each three-year term expiring**

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in such year, in addition to any other election necessary to fill the unexpired portion of a term in which a vacancy has occurred].

[3.] **4.** If a vacancy occurs in the office of a member of the retirement board the vacancy shall be filled for the unexpired term in the same manner as the vacated office was previously filled.

**86.394. BOARD MEMBERS IN ACTIVE POLICE SERVICE, LEAVE TO ATTEND EDUCATIONAL SEMINARS. —** Each member of the retirement board who is in active service with the police department of a city as either a police officer, as defined in section 86.370, or as an employee, as defined in section 86.600, shall be granted authorized leave with pay by such police department to attend any and all educational seminars and like functions that have been authorized by the retirement board, including travel time to and from such functions, not to exceed ten days in any calendar year. Leave granted under this section shall not reduce vacation or other authorized leave time to which such member may be entitled without reference to this section.

**86.398. RETIREMENT BOARD, PURCHASE OF LIABILITY INSURANCE, INDEMNIFICATION OF MEMBER, HOW — PAYMENT OF LEGAL EXPENSES, WHEN. —** 1. The retirement board may purchase with retirement system assets from one or more insurers licensed to do business in this state one or more insurance policies that provide for reimbursement of this retirement system and any trustee, member of the retirement board, officer, or employee of the retirement system for liability imposed or damages because of an alleged act, error, or omission committed in the trustee's, board member's, officer's, or employee's capacity as a fiduciary, officer, or employee of the retirement system and for costs and expenses, including attorney fees, incurred as a trustee, board member, officer, or employee in defense of a claim for an alleged act, error, or omission, as long as the insurance policy does not provide for reimbursement of a trustee, board member, officer, or employee for liability imposed or expenses incurred because of the trustee's, board member's, officer's, or employee's personal dishonesty, fraud, lack of good faith, or intentional failure to act prudently.

2. If the insurance coverage described in subsection 1 of this section is insufficient or is not in effect, the retirement board may indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that [he] **the person** is or was a member of the retirement board, or is or was serving at the request of the retirement board in the capacity which caused [his] **the person's** relationship to such action, suit or proceeding, against expenses, including attorneys' fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by [him] **the person** in connection with such action, suit or proceeding, if [he] **the person** acted in good faith and without willful malfeasance, and, with respect to any criminal action or proceeding, had reasonable cause to believe [his] **the relevant** conduct was lawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith, or, with respect to any criminal action or proceeding, that [he] **the person** did not have reasonable cause to believe that [his] **the relevant** conduct was lawful.

[2.] **3.** To the extent that a member of the retirement board has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in [subsection] **subsections 1 and 2** of this section, or in defense of any claim, issue or matter therein, [he] **the person** shall be indemnified against expenses, including attorneys' fees, actually and reasonably incurred [by him] in connection with the action, suit or proceeding **that are not covered by the insurance described in subsection 1 of this section.**

[3.] **4.** Any indemnification under [subsection 1 of] this section, unless ordered by a court, shall be made by the retirement board only as authorized in each specific case upon a determination that indemnification of [a member of the retirement board] **any person potentially entitled to indemnification hereunder** is proper in the circumstances because [he] **the person** has met the applicable standard of conduct set forth in this section. The determination shall be made by the retirement board by a majority vote of a quorum consisting of members of the retirement board who are not parties to the action, suit or proceeding, or if such a quorum is not obtainable, or even if obtainable a quorum of disinterested members of the retirement board so directs, by independent legal counsel in a written opinion. Such legal counsel may but need not be counsel to the retirement system.

[4.] **5.** Expenses incurred in defending a civil or criminal action, suit or proceeding may be paid by the retirement board in advance of the final disposition of the action, suit or proceeding as authorized by the retirement board in the specific case upon receipt of an undertaking by or on behalf of the [member of the retirement board] **person potentially entitled to indemnification hereunder** to repay such amount unless it shall ultimately be determined that [he] **the person** is entitled to be indemnified by the retirement board as authorized in this section.

**86.407. BOARD TO ESTABLISH RULES AND REGULATIONS — OFFICERS AND EMPLOYEES.**

— 1. Subject to the limitations of sections 86.370 to 86.497 the retirement board shall, from time to time, establish rules and regulations for the administration of its assets, for the transaction of its business and for the conduct of nominations and elections of the elected members of the retirement board. [Whenever the board deems it necessary in order to maintain compliance with the qualification requirements of subdivision (3) of subsection 2 of section 86.393, the board may restrict nominations for one or more positions on the board to persons possessing the qualifications required under paragraph (a), (b), or (c) of subdivision (3) of subsection 2 of section 86.393.] **The retirement board shall be deemed to be a state agency within the meaning of chapter 536, RSMo.**

2. The retirement board shall elect from its membership, a chairman, a vice chairman and a treasurer and shall, by majority vote of its members, appoint a secretary, who may be, but need not be, one of its members. It may employ such actuarial, legal and other services as may be necessary to transact the business of the retirement system. The compensation of all persons employed by the retirement board and all other expenses of the board necessary for the operation of the retirement system shall be paid in such manner as the retirement board shall determine; provided, that the compensation of such persons as may be employed by the retirement board shall not be greater than the compensation paid for comparable abilities by the governments of the cities in which said retirement board is located.

**86.434. LUMP-SUM OPTION PLAN DISTRIBUTION OF BENEFITS, ELECTION PROCEDURE**

— **VOID, WHEN. — 1.** Any member entitled to commence a pension pursuant to section 86.433 with twenty-six years or more of creditable service may elect an optional distribution under the partial lump-sum option plan provided in this section if the member:

(1) Notifies the retirement system in writing of the member's retirement date at least ninety days in advance of the member's retirement date and requests an explanation of the member's rights pursuant to this section; and

(2) Notifies the retirement system of the member's election hereunder at least thirty days in advance of the member's retirement date.

Following receipt of an initial notice of a member's retirement date and request for an explanation hereunder, the retirement system shall, at least sixty days in advance of such retirement date, provide the member a written explanation of the member's rights pursuant to this section and an estimate of the amount by which the member's regular

monthly base pension would be reduced in the event of the member's election of any of the options available to the member pursuant to this section.

2. (1) A member entitled to make an election pursuant to this section may elect to receive a lump-sum distribution with the member's initial monthly pension payment pursuant to section 86.433, subject to all the terms of this section. The member may elect the amount of the member's lump-sum distribution from one, but not more than one, of the following options for which the member qualifies:

(a) A member having twenty-six or more years of creditable service may elect a lump-sum amount equal to twelve times the initial monthly base pension the member would receive if no election were made pursuant to this section;

(b) A member having twenty-seven or more years of creditable service may elect a lump-sum amount equal to twenty-four times the initial monthly base pension the member would receive if no election were made pursuant to this section; or

(c) A member having twenty-eight or more years of creditable service may elect a lump-sum amount equal to thirty-six times the initial monthly base pension the member would receive if no election were made pursuant to this section.

(2) When a member makes an election to receive a lump-sum distribution pursuant to this section, the base pension which the member would have received in the absence of the election shall be reduced on an actuarially equivalent basis to reflect the payment of the lump-sum distribution, and the reduced base pension shall be the member's base pension thereafter for all purposes relating to base pension amounts pursuant to sections 86.370 to 86.497.

3. An election pursuant to this section to receive a lump-sum distribution and reduce monthly base pension shall be void if the member dies before retirement, and amounts due a surviving spouse or other beneficiary of the member shall be determined without regard to such election.

**86.445. INCENTIVES FOR EARLY RETIREMENT, AUTHORITY TO ADMINISTER AND PAY.** — If a city and the police department of such city adopt any program of incentives to authorize or encourage early retirements, whether for employees not yet eligible for regular retirement or for employees who are eligible but have not yet chosen to retire or for both, the retirement board shall be authorized to administer and pay such incentives for retirees who accept such incentives and are members of this retirement system under sections 86.370 to 86.497, in addition to such other benefits as such members or their beneficiaries are entitled to receive under sections 86.370 to 86.497 provided such city shall so request and shall agree to increase the city's contribution under section 86.477 sufficiently to provide the full actuarial cost of any such incentives in addition to the contribution required of such city necessary, in conjunction with members' contributions under section 86.470, to provide all other benefits provided under sections 86.370 to 86.497.

**86.447. PENSIONS OF DEPENDENTS OF DECEASED RETIRED MEMBERS — FUNERAL BENEFIT — SPECIAL CONSULTANT, DUTY, COMPENSATION.** — 1. Upon receipt of the proper proofs of death of a member in service for any reason whatever or of the death of a member after having been retired and pensioned, there shall be paid, in addition to all other benefits but subject to subsection 7 of this section, the following:

(1) If a member dies while in service, such member's surviving spouse, if any, shall be paid a base pension equal to forty percent of the final compensation of such member, subject to subsequent adjustments, if any, as provided in section 86.441;

(2) If a member retires or terminates service after August 28, 1999, and dies after commencement of benefits pursuant to the provisions of sections 86.370 to 86.497, the member's surviving spouse, if any, shall be paid a base pension equal to eighty percent of the pension being

received by such member, including cost-of-living adjustments to such pension but excluding supplemental retirement benefits, at the time of such member's death, subject to subsequent adjustments, if any, as provided in section 86.441;

(3) If a member retired or terminated service on or before August 28, 1999, and died after August 28, 1999, and after commencement of benefits, such member's surviving spouse shall upon application to the retirement board, be appointed and employed by the retirement board as a special consultant on the problems of retirement, aging and other matters, and upon request of the retirement board shall give opinions and be available to give opinions in writing or orally in response to such requests, as may be required. For such services, the surviving spouse shall, beginning the later of August 28, 1999, or the time of such appointment under this subsection, be compensated in such amount as shall make the benefits received by such surviving spouse pursuant to this subsection equal to eighty percent of the pension being received by such member, including cost-of-living adjustments to such pension but excluding supplemental retirement benefits, at the time of such member's death, subject to subsequent adjustments, if any, as provided in section 86.441;

(4) Upon the death of any member who is in service after August 28, 2000, and who either had at least twenty-five years of creditable service or was retired or died as a result of an injury or illness occurring in the line of duty or course of employment pursuant to section 86.450, the surviving spouse's benefit provided pursuant to this subsection, without including any supplemental retirement benefits paid such surviving spouse by this retirement system, shall not be less than six hundred dollars per month. For any member who dies, retires or terminates service on or before August 28, 2000, and who either had at least twenty-five years of creditable service or was retired or died as a result of an injury or illness occurring in the line of duty or course of employment pursuant to section 86.450, the surviving spouse shall upon application to the retirement board be appointed by the retirement board as a special consultant on the problems of retirement, aging and other matters, and upon request of the retirement board shall give opinions and be available to give opinions in writing or orally in response to such requests, as may be required. For such services, the surviving spouse shall, beginning the later of August 28, 2000, or the time the appointment is made pursuant to this subsection, be compensated in an amount which without including supplemental retirement benefits provided by this system shall be not less than six hundred dollars monthly. A pension benefit pursuant to this subdivision shall be paid in lieu of any base pension as increased by cost-of-living adjustments granted pursuant to section 86.441. The benefit pursuant to this subdivision shall not be subject to cost-of-living adjustments, but shall be terminated and replaced by the base pension and cost-of-living adjustments to which such spouse would otherwise be entitled at such time as the total base pension and such adjustments exceed six hundred dollars monthly;

(5) Such member's child or children under the age of eighteen years at the time of the member's decease shall be paid fifty dollars per month each, subject to adjustments, if any, as provided in section 86.441, until he or she shall attain the age of eighteen years; however, each such child who is or becomes a full-time student at an accredited educational institution shall continue to receive payments hereunder for so long as such child shall remain such a full-time student or shall be in a summer or other vacation period scheduled by the institution with intent by such child, demonstrated to the satisfaction of the retirement board, to return to such full-time student status upon the resumption of the institution's classes following such vacation period, but in no event shall such payments be continued after such child shall attain the age of twenty-one years except as hereinafter provided. Any child eighteen years of age or older, who is physically or mentally incapacitated from wage earning, so long as such incapacity exists as certified by a member of the medical board, shall be entitled to the same benefits as a child under the age of eighteen;

(6) A funeral benefit of one thousand dollars.

2. For the purposes of this section, "commencement of benefits" shall begin, for any benefit, at such time as all requirements have been met entitling the member to a payment of such benefit

at the next following payment date, disregarding advance notice periods required by any paying agent for physical preparation of the payment, so that a member who dies between the date all such requirements are met and the date when the system would have delivered such member's initial payment shall be deemed to have commenced such benefit.

3. If there is no person qualified to receive a pension as a surviving spouse or if a surviving spouse dies, the total amount which would be received by a qualified surviving spouse or which is being received by the surviving spouse at the date of death of such surviving spouse shall be added to the amounts received by and shall be divided among the children under the age of eighteen years and the incapacitated children in equal shares. As each child attains the age of eighteen years or has such incapacity removed, the total of the surviving spouse's pension shall then be added to and divided among the remaining children, and when there is only one child under the age of eighteen years or incapacitated, whether such child is the sole surviving child of the member or the youngest child of several children, the total amount of the surviving spouse's pension shall be paid to the child until such child reaches the age of eighteen years or such incapacity is removed.

4. (1) The surviving spouse of a member who retired or died prior to August 28, 1997, shall not be entitled to receive benefits or the payment of a pension pursuant to sections 86.370 to 86.497 unless marriage to the member occurred at least two years before the member's retirement or at least two years before the death of the member while in service; provided, that no benefits shall be denied pursuant to this subsection to the surviving spouse of a member whose death occurred in the line of duty or from an occupational disease arising out of and in the course of the member's employment.

(2) No surviving spouse of a member who retired or died while in service after August 28, 1997, and before August 28, 2000, shall be entitled to receive any benefits pursuant to this section unless such spouse was married to the member at the time of the member's retirement or death while in service.

(3) Any surviving spouse who would qualify for benefits pursuant to subdivision (1) or (2) of this subsection and who has not remarried prior to August 28, 2000, but remarries thereafter, shall upon application to the retirement board be appointed by the retirement board as a special consultant on the problems of retirement, aging and other matters, and upon request of the retirement board shall give opinions and be available to give opinions in writing or orally in response to such requests, as may be required. For such services, such surviving spouse shall be compensated in an amount equal to the benefits such spouse would have received pursuant to sections 86.370 to 86.497 in the absence of such remarriage.

(4) No surviving spouse of a member who retires or dies in service after August 28, 2000, shall be entitled to receive any benefits pursuant to sections 86.370 to 86.497 unless such spouse was married to the member at the time of the member's retirement or death in service. Any surviving spouse who was married to such a member at the time of the member's retirement or death in service shall be entitled to all benefits for surviving spouses pursuant to sections 86.370 to 86.497 for the life of such surviving spouse without regard to remarriage.

5. If no benefits are otherwise payable to a surviving spouse or child of a deceased member, the member's accumulated contributions, to any extent not fully paid to such member prior to the member's death or to the surviving spouse or child of such member, shall be paid in one lump sum to the member's named beneficiary or, if none, to the member's estate.

6. For purposes of this section, a determination of whether a child of a member is physically or mentally incapacitated from wage earning so that the child is entitled to benefits under this section shall be made at the time of the member's death. If a child becomes incapacitated after the member's death, or if a child's incapacity existing at the member's death is removed and such child later becomes incapacitated again, such child shall not be entitled to benefits as an incapacitated child under the provisions of this section. A child shall be deemed incapacitated only for so long as the incapacity existing at the time of the member's death continues.

7. Any beneficiary of benefits pursuant to sections [86.600 to 86.790] **86.370 to 86.497** who becomes the surviving spouse of more than one member shall be paid all benefits due a surviving spouse of that member whose entitlements produce the largest surviving spouse benefits for such beneficiary but shall not be paid surviving spouse benefits as the surviving spouse of more than one member.

**86.600. DEFINITIONS.** — As used in sections 86.600 to 86.790, unless a different meaning is plainly required by the context, the following words and phrases mean:

(1) "Accumulated contributions", the sum of all amounts deducted from the compensation of a member and paid to the retirement board, together with all amounts paid to the retirement board by a member or by a member's beneficiary for the purchase of prior service credits or any other purpose permitted under sections 86.600 to 86.790 in all cases with interest thereon at a rate determined from time to time for such purpose by the retirement board;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of the mortality tables and interest rate as shall be adopted by the retirement board;

(3) "Appointing authority", any person or group of persons having power by law to make appointments to any position in the police departments of the cities;

(4) "Beneficiary", any person receiving a benefit from the retirement system as a result of the death of a member;

(5) "Compensation", the basic wage or salary paid an employee for any period, excluding bonuses, overtime pay, expense allowance, and other extraordinary compensation; **except that, notwithstanding the foregoing, compensation for any year for any member shall not exceed the amount permitted to be taken into account pursuant to Section 401(a)(17) of the Internal Revenue Code as applicable to such year;**

(6) "Creditable service", the period of service to which an employee, a former employee, or a member is entitled, as prescribed by sections 86.600 to 86.790;

(7) "Employee", any regularly appointed civilian employee of the police departments of the cities as specified in sections 86.600 to 86.790, who is not eligible to receive a pension from the police pension system;

(8) "Employer", the police boards of the cities as specified in sections 86.600 to 86.790;

(9) "Final compensation", the average annual compensation of a member during his or her service if less than two years, or the twenty-four months of his or her service for which he or she received the highest salary whether consecutive or otherwise. In computing the average annual compensation of a member under this subsection, no compensation attributable to any time a member was suspended from service without pay shall be included. For any period of time when a member is paid on a frequency other than monthly, the member's salary for such period shall be deemed to be the monthly equivalent of the member's annual rate of compensation for such period;

(10) **"Internal Revenue Code", the United States Internal Revenue Code of 1986, as amended;**

(11) "Medical board", the board of physicians chosen by the retirement board;

[11] (12) "Member", any member of the retirement system as provided by sections 86.600 to 86.790;

[12] (13) "Normal retirement", retirement from the service of the employer on or after the normal retirement date;

[13] (14) "Operative date", the date this retirement system becomes operative;

[14] (15) "Pension", the annual payments for life which shall be payable in equal monthly installments to a member or his or her spouse;

[15] (16) "Retirement board", the persons appointed or elected to be members of the retirement board for civilian employees of police departments of the cities;

[16] (17) "Retirement system", the retirement system of the civilian employees of the cities as specified in sections 86.600 to 86.790;

[(17)] (18) "Surviving spouse", the legally married wife or husband of a member surviving the member's death.

**86.611. TAX-EXEMPT STATUS OF RETIREMENT PLAN TO BE MAINTAINED — ASSETS OF SYSTEM TO BE HELD IN TRUST — MEMBER BENEFITS VESTED, WHEN — DISTRIBUTION OF BENEFITS. — 1.** A retirement plan pursuant to sections 86.600 to 86.790 is a qualified plan pursuant to the provisions of applicable federal law. The benefits and conditions of a retirement plan pursuant to sections 86.600 to 86.790 shall always be adjusted to ensure that the tax-exempt status is maintained.

2. The retirement board shall administer this retirement system in such manner as to retain at all times qualified status pursuant to Section 401(a) of the Internal Revenue Code.

3. The retirement board shall hold in trust the assets of this retirement system for the exclusive benefit of the members and their beneficiaries and for defraying reasonable administrative expenses of the system. No part of such assets shall, at any time prior to the satisfaction of all liabilities with respect to members and their beneficiaries, be used for or diverted to any purpose other than such exclusive benefit or to any purpose inconsistent with sections 86.600 to 86.790.

4. A member's benefit shall be one hundred percent vested and nonforfeitable upon the member's attainment of normal retirement age, which shall be the earlier of:

(1) The attaining of the age of sixty-five or the member's tenth anniversary of employment, whichever is later;

(2) When the total sum of age and years of service equals or exceeds eighty; or

(3) To the extent funded, upon the termination of the system established pursuant to sections 86.600 to 86.790 or any partial termination which affects the member or any complete discontinuance of contributions by the city to the system.

Amounts representing forfeited nonvested benefits of terminated members shall not be used to increase benefits payable from the system but may be used to reduce contributions for future plan years.

5. Distribution of benefits shall begin not later than April first of the year following the later of the calendar year during which the member becomes seventy and one-half years of age or the calendar year in which the member retires, and shall otherwise conform to Section 401(a)(9) of the Internal Revenue Code.

6. A member or beneficiary of a member shall not accrue a service retirement annuity, disability retirement annuity, death benefit, whether death occurs in the line of duty or otherwise, or any other benefit pursuant to sections 86.600 to 86.790 in excess of the benefit limits applicable to the fund pursuant to Section 415 of the Internal Revenue Code. The retirement board shall reduce the amount of any benefit that exceeds the limits of this section by the amount of the excess. If the total benefits under this retirement system and the benefits and contributions to which any member is entitled under any other qualified plan or plans maintained by the board of police commissioners that employs the member would otherwise exceed the applicable limits pursuant to Section 415 of the Internal Revenue Code, the benefits the member would otherwise receive from this retirement system are reduced to the extent necessary to enable the benefits to comply with Section 415 of the Internal Revenue Code.

7. The total salary taken into account for any purpose for any member of this retirement system shall not exceed two hundred thousand dollars per year, subject to periodic adjustments in accordance with guidelines provided by the United States Secretary of the Treasury and may not exceed such other limits as may be applicable at any given time pursuant to Section 401(a)(17) of the Internal Revenue Code.

8. If the amount of any benefit is determined on the basis of actuarial assumptions that are not specifically set forth for that purpose in sections 86.600 to 86.790, the actuarial

assumptions used are those earnings and mortality assumptions used on the date of the determination by the retirement system's actuary and approved by the retirement board. The actuarial assumptions used at any particular time shall be attached as an addendum to a copy of the retirement system's statute maintained by the retirement board and shall be treated for all purposes as part of sections 86.600 to 86.790. The actuarial assumptions may be changed by the retirement system's actuary annually if approved by the retirement board, but a change in actuarial assumptions shall not result in any decrease in benefits accrued as of the effective date of the change.

9. Any member or beneficiary who is entitled to receive any distribution that is an eligible rollover distribution, as defined by Section 402(c)(4) of the Internal Revenue Code, is entitled to have that distribution transferred directly to another eligible retirement plan of the member's or beneficiary's choice on providing direction to the secretary of this retirement system regarding that transfer in accordance with procedures established by the retirement board.

10. For all distributions made after December 31, 2001:

(1) For the purposes of subsection 9 of this section, an eligible retirement plan shall also mean an annuity described in Section 403(b) of the Internal Revenue Code and an eligible plan pursuant to Section 457(b) of the Internal Revenue Code that is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this retirement system. The definition for eligible retirement plan shall also apply in the case of a distribution to a surviving spouse or to a spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Internal Revenue Code; and

(2) For the purposes of subsection 9 of this section, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions which are not includable in gross income. However, such portion may be paid only to an individual retirement account or annuity described in Section 408(a) or 408(b) of the Internal Revenue Code, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of the Internal Revenue Code that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution that is includable in gross income and the portion of such distribution that is not so includable.

**86.665. LUMP-SUM OPTION PLAN DISTRIBUTION, PROCEDURE — VOID, WHEN. — 1.** Any member entitled to commence a pension pursuant to either section 86.650 or 86.660 may elect an optional distribution under the partial lump-sum option plan provided in this section if such member:

(1) Notifies the retirement system in writing of such member's retirement date at least ninety days in advance thereof and requests an explanation of such member's rights pursuant to this section; and

(2) Notifies the retirement system of the member's election hereunder at least thirty days in advance of the retirement date. Following receipt of an initial notice of a member's retirement date and request for an explanation hereunder, the retirement system shall, at least sixty days in advance of such retirement date, provide such member a written explanation of such member's rights pursuant to this section and an estimate of the amount by which such member's regular monthly base pension would be reduced in the event of the member's election of any of the options available to such member pursuant to this section.

2. (1) A member entitled to make an election pursuant to this section may elect to receive a lump-sum distribution with such member's initial monthly pension payment pursuant to section 86.650 or 86.660, subject to all the terms of this section. The member

may elect the amount of the member's lump-sum distribution from one, but not more than one, of the following options for which such member qualifies:

(a) A member having one or more years of creditable service after such member's eligible retirement date may elect a lump-sum amount equal to twelve times the initial monthly base pension the member would receive if no election were made pursuant to this section;

(b) A member having two or more years of creditable service after such member's eligible retirement date may elect a lump-sum amount equal to twenty-four times the initial monthly base pension the member would receive if no election were made pursuant to this section; or

(c) A member having three or more years of creditable service after such member's eligible retirement date may elect a lump-sum amount equal to thirty-six times the initial monthly base pension the member would receive if no election were made pursuant to this section.

For purposes of this section, "eligible retirement date" for a member shall mean the earliest date on which the member could elect to retire and be entitled to receive a pension pursuant to either section 86.650 or 86.660.

(2) When a member makes an election to receive a lump-sum distribution pursuant to this section, the base pension that the member would have received in the absence of an election shall be reduced on an actuarially equivalent basis to reflect the payment of the lump-sum distribution, and the reduced base pension shall be the member's base pension thereafter for all purposes relating to base pension amounts pursuant to sections 86.600 to 86.790.

(3) If a member electing a lump-sum distribution pursuant to this section has elected the optional annuity described in section 86.650, the calculation of such member's pension shall be made in the following order:

(a) The amount of the member's normal pension pursuant to section 86.650 shall be reduced if applicable by any reductions required pursuant to section 86.660;

(b) The amount of the normal pension as determined pursuant to paragraph (a) of this subdivision shall be reduced to the actuarially equivalent amount to produce the optional form of annuity described in subsection 2 of section 86.650;

(c) The amount of reduced pension as determined pursuant to paragraph (b) of this subdivision shall be further reduced as required to produce an actuarially equivalent benefit in the form of the lump-sum distribution option elected pursuant to this section and a remaining monthly annuity which shall be paid on the basis that the annuity for the member's spouse if such spouse survives the member shall be the same amount as the annuity paid the member and shall be paid to such surviving spouse for the lifetime of such spouse without regard to remarriage.

3. An election pursuant to this section to receive a lump-sum distribution and reduced monthly base pension shall be void if the member dies before retirement, and amounts due a surviving spouse or other beneficiary of the member shall be determined without regard to such election.

**86.671. OFFSETS TO WORKERS' COMPENSATION PAYMENTS — RULEMAKING AUTHORIZED — MEMBER'S PERCENTAGE DEFINED.** — 1. Any [period] **periodic** payment, excluding payments for medical treatment, which may be paid or payable by the cities pursuant to the provisions of any workers' compensation or similar law to a member or to the dependents of a member on account of any disability or death shall be offset against any benefits payable to the recipient of the workers' compensation payments from funds provided by the cities pursuant to the provisions of sections 86.600 to 86.790 on account of the same disability or death. In no event, however, shall the amount paid from funds pursuant to the provisions of sections 86.600 to 86.790 be less than the amount which represents the member's percentage, as defined in

subsection 4 of this section, of total benefits payable pursuant to sections 86.600 to 86.790, before any offset for workers' compensation benefits.

2. Any lump sum amount, excluding payments for medical treatments, which may be paid or payable by the cities pursuant to the provisions of any workers' compensation or similar law to a member or to the dependents of a member on account of any disability or death shall be offset against any benefits payable from funds provided by the cities pursuant to the provisions of sections 86.600 to 86.790 on account of the same disability or death. The amounts by which each periodic payment made pursuant to the provisions of sections 86.600 to 86.790 is offset or reduced shall be computed as the periodic amount necessary to amortize as an annuity over the period of time represented by the respective workers' compensation benefits the total amount of the lump sum settlement received as a workers' compensation benefit by a beneficiary of the retirement system. Such computation shall be based upon the same interest rate and mortality assumptions as used for the retirement system at the time of such computation. In no event, however, shall the amount paid from funds pursuant to the provisions of sections 86.600 to 86.790 be less than the amount which represents the member's percentage, as defined in subsection 4 of this section, of total benefits payable pursuant to sections 86.600 to 86.790, before any offset for workers' compensation benefits.

3. The retirement board shall adopt such rules and regulations as may be necessary to effectuate the purposes of this section.

4. As used in this section, the term "member's percentage" shall be the fraction of which the numerator is the percentage of compensation contributed by a working member to the retirement pension system pursuant to section 86.760 during the pay period immediately preceding such member's death or disability which created entitlement to benefits and the denominator is the sum of percentages of a member's compensation contributed by a working member and the city pursuant to section 86.760 to the retirement pension system during such pay period. Such percentage shall identify the portion of any benefits due pursuant to the provisions of sections 86.600 to 86.790 which is deemed to have been provided by the member's own contributions.

**86.676. INCENTIVES FOR EARLY RETIREMENT, BOARD TO ADMINISTER AND PAY. — If a city and the police department of such city adopt any program of incentives to authorize or encourage early retirements, whether for employees not yet eligible for regular retirement or for employees who are eligible but have not yet chosen to retire or for both, the retirement board shall be authorized to administer and pay such incentives for retirees who accept such incentives and are members of this retirement system under sections 86.600 to 86.790, in addition to such other benefits as such members or their beneficiaries are entitled to receive under sections 86.600 to 86.790, provided such city shall so request and shall agree to increase said city's contribution under section 86.760 sufficiently to provide the full actuarial cost of any such incentives in addition to the contribution required of such city necessary, in conjunction with members' contribution under section 86.760, to provide all other benefits provided under sections 86.600 to 86.790.**

**86.690. DEATH OF MEMBER PRIOR TO OR FOLLOWING RETIREMENT, PAYMENTS MADE, HOW — ADDITIONAL ONE THOUSAND DOLLAR FUNERAL BENEFIT PAID, WHEN. — 1.** Upon death after August 28, 2001, of a member for any cause prior to retirement, the following amounts shall be payable subject to subsection 5 of this section, as full and final settlement of any and all claims for benefits under this retirement system:

(1) If the member has less than five years of creditable service, the member's surviving spouse shall be paid, in a lump sum, the amount of accumulated contributions and interest. If there be no surviving spouse, payment shall be made to the member's designated beneficiary, or if none, to the executor or administrator of the member's estate.

(2) If the member has at least five, but less than twenty years of creditable service, the member's surviving spouse may elect, in lieu of the lump sum settlement in subdivision (1) of this subsection, an annuity. Such annuity shall be one-half of the member's accrued annuity at date of death as computed in section 86.650. The effective date of the election shall be the latter of the first day of the month after the member's death or attainment of what would have been the member's early retirement date as provided in section 86.660.

(3) If the member has at least twenty years of creditable service, the member's surviving spouse may elect, in lieu of the lump sum settlement in subdivision (1) of this subsection, the larger of the annuity as computed in subdivision (2) of this subsection or an annuity determined on a joint and survivor's basis from the actuarial value of the member's accrued annuity at date of death.

(4) Any death of a retired member occurring before the date of first payment of the retirement annuity shall be deemed to be a death before retirement.

(5) Benefits payable pursuant to this section shall continue for the lifetime of such surviving spouse without regard to remarriage.

(6) No surviving spouse of a member who dies in service after August 28, 2001, shall be entitled to receive any benefits pursuant to sections 86.600 to 86.790 unless such spouse was married to the member at the time of the member's death in service.

2. Upon death following retirement for any cause after August 28, 2001, of a member who has not elected the optional annuity pursuant to section 86.650, the member's surviving spouse shall receive a pension payable for life, equaling one-half of the member's normal retirement allowance, computed under section 86.650, as of the member's actual retirement date, subject to adjustments provided in subsection 5 of section 86.675, if any; provided, no surviving spouse of a member who retires after August 28, 2001, shall be entitled to receive any benefits pursuant to sections 86.600 to 86.790 unless such spouse was married to the member at the time of the member's retirement. Any surviving spouse who was married to such a member at the time of the member's retirement shall be entitled to all benefits for surviving spouses pursuant to sections 86.600 to 86.790 for the life of such surviving spouse without regard to remarriage. If there be no surviving spouse, payment of the member's accumulated contributions less the amount of any prior payments from the retirement system to the member or to any beneficiary of the member shall be made to the member's designated beneficiary or, if none, to the personal representative of the member's estate.

3. Any surviving spouse of a member who dies in service or retired prior to August 28, 2001, who otherwise qualifies for benefits pursuant to subsection 1 or 2 of this section and who has not remarried prior to August 28, 2001, but remarries thereafter, shall upon application to the retirement board be appointed by the retirement board as a special consultant on the problems of retirement, aging and other matters, and upon request of the retirement board shall give opinions in writing or orally in response to such requests, as may be required. For such services, such surviving spouse shall be compensated in an amount equal to the benefits such spouse would have received pursuant to sections 86.600 to 86.790 in the absence of such remarriage.

4. Should the total amount paid from the retirement system to a member, the member's surviving spouse [and], any other beneficiary of the member, **and the funeral benefit under subsection 6 of this section** be less than the member's accumulated contributions, an amount equal to such difference shall be paid to the member's designated beneficiary or, if none, to the personal representative of the member's estate, and such payment shall constitute full and final payment of any and all claims for benefits under the retirement system.

5. Any beneficiary of benefits pursuant to sections 86.600 to 86.790 who becomes the surviving spouse of more than one member shall be paid all benefits due a surviving spouse of that member whose entitlements produce the largest surviving spouse benefits for such beneficiary but shall not be paid surviving spouse benefits as the surviving spouse of more than one member, except that any surviving spouse for whom an election has been made for an

optional annuity under subsection 2 of section 86.650 shall be entitled to every annuity for which such surviving spouse has so contracted.

**6. Upon receipt of the proper proof of death of a member in service after August 28, 2003, or the death of a member in service on or after August 28, 2003, who dies after having been retired and pensioned, there shall be paid in addition to all other benefits a funeral benefit of one thousand dollars.**

**86.720. BOARD TO MAKE RULES — OFFICERS — EMPLOYEES.** — The general administration and the responsibility for the proper operation of the retirement system and for making effective the provisions of sections 86.600 to 86.790 are hereby vested in the retirement board. The retirement board shall, from time to time, establish rules and regulations for the administration of its assets and for the transaction of its business. **The retirement board shall be deemed to be a state agency within the meaning of chapter 536, RSMo.** The retirement board shall elect from its membership a chairman, a vice chairman, and a treasurer, and shall, by majority vote of its members, appoint a secretary, who may be but need not be one of its members. The retirement board may employ any actuarial, legal and other services as may be necessary to transact the business of the retirement system. The compensation of all persons employed by the retirement board and all other expenses of the board necessary for the operation of the retirement system shall be paid in the manner as the retirement board shall determine; except that the compensation of the persons as may be employed by the retirement board shall not be greater than the compensation paid for comparable abilities by the government of the city in which the retirement board is located.

**86.745. BOARD MAY PURCHASE LIABILITY INSURANCE — INDEMNIFICATION IN CASE OF ACTION, SUIT, OR PROCEEDING — WHEN.** — 1. **The retirement board may purchase with retirement system assets from one or more insurers licensed to do business in this state one or more insurance policies that provide for reimbursement of the retirement system and any trustee, member of the retirement board, officer, or employee of the retirement system for liability imposed or damages because of an alleged act, error, or omission committed in the trustee's, board member's, officer's, or employee's capacity as a fiduciary, officer, or employee of the retirement system and for costs and expenses, including attorney fees, incurred as a trustee, board member, officer, or employee in defense of a claim for an alleged act, error, or omission, as long as the insurance policy does not provide for reimbursement of a trustee, board member, officer, or employee for liability imposed or expenses incurred because of the trustee's, board member's, officer's, or employee's personal dishonesty, fraud, lack of good faith, or intentional failure to act prudently.**

**2. If the insurance coverage described in subsection 1 of this section is insufficient or is not in effect,** the retirement board may indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that [he] **the person** is or was a member of the retirement board, or is or was serving at the request of the retirement board in the capacity which caused [his] **the person's** relationship to such action, suit or proceeding, against expenses, including attorneys' fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by [him] **the person** in connection with such action, suit or proceeding, if [he] **the person** acted in good faith and without willful malfeasance, and, with respect to any criminal action or proceeding, had reasonable cause to believe [his] **the relevant** conduct was lawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith, or, with respect to any criminal action or proceeding, that [he] **the person** did not have reasonable cause to believe that [his] **the relevant** conduct was lawful.

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[2.] **3.** To the extent that a member of the retirement board has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in [subsection] **subsections 1 and 2** of this section, or in defense of any claim, issue or matter therein, [he] **the person** shall be indemnified against expenses, including attorneys' fees, actually and reasonably incurred [by him] in connection with the action, suit or proceeding **that are not covered by the insurance described in subsection 1 of this section.**

[3.] **4.** Any indemnification under [subsection 1 of] this section, unless ordered by a court, shall be made by the retirement board only as authorized in each specific case upon a determination that indemnification of [the member of the retirement board] **any person potentially entitled to indemnification hereunder** is proper in the circumstances because [he] **the person** has met the applicable standard of conduct set forth in this section. The determination shall be made by the retirement board by a majority vote of a quorum consisting of members of the retirement board who are not parties to the action, suit or proceeding, or if such a quorum is not obtainable, or even if obtainable a quorum of disinterested members of the retirement board so directs, by independent legal counsel (who may but need not be counsel to the retirement system) in a written opinion.

[4.] **5.** Expenses incurred in defending a civil or criminal action, suit or proceeding may be paid by the retirement board in advance of the final disposition of the action, suit or proceeding as authorized by the retirement board in the specific case upon receipt of an undertaking by or on behalf of the [member of the retirement board] **person potentially entitled to indemnification hereunder** to repay such amount unless it shall ultimately be determined that [he] **the person** is entitled to be indemnified by the retirement board as authorized in this section.

Approved July 11, 2003

## SB 218 [HCS SCS SB 218]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Authorizes imposition of lateral sewer service repair fee in certain situations.**

AN ACT to repeal section 249.422, RSMo, and to enact in lieu thereof one new section relating to fees imposed by municipalities to repair lateral sewer service lines.

### SECTION

A. Enacting clause.

249.422. Fee imposed to repair lateral sewer service lines for certain residential property and in certain counties — condominiums responsible for proportionate share — ballot form — special account established for fees collected.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 249.422, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 249.422, to read as follows:

**249.422. FEE IMPOSED TO REPAIR LATERAL SEWER SERVICE LINES FOR CERTAIN RESIDENTIAL PROPERTY AND IN CERTAIN COUNTIES — CONDOMINIUMS RESPONSIBLE FOR PROPORTIONATE SHARE — BALLOT FORM — SPECIAL ACCOUNT ESTABLISHED FOR FEES COLLECTED.** — 1. If approved by a majority of the voters voting on the proposal, any city, town, village or county on behalf of the unincorporated area, located either within the boundaries

of a sewer district established pursuant to article VI, section 30(a) of the Missouri Constitution or within any county of the first classification having a charter form of government with a population of more than two hundred ten thousand inhabitants but less than three hundred thousand inhabitants, may by city, town, village or county ordinance levy and impose annually for the repair of lateral sewer service lines on **or connecting** residential property having six or less dwelling units a fee not to exceed [twenty-eight] **fifty** dollars per year. **Any city, town, village, or county that establishes or increases the fee used to repair any portion of the lateral sewer service line shall include all defective portions of the lateral sewer service line from the residential structure to its connection with the public sewer system line. Notwithstanding any provision of chapter 448, RSMo, the fee imposed pursuant to this chapter shall be imposed upon condominiums that have six or less condominium units per building and each condominium unit shall be responsible for its proportionate share of any fee charged pursuant to this chapter, and in addition, any condominium unit shall, if determined to be responsible for and served by its own individual lateral sewer line, be treated as an individual residence regardless of the number of units in the development. It shall be the responsibility of the condominium owner or condominium association who are of the opinion that they are not properly classified as provided in this section to notify the county office administering the program. Where an existing sewer lateral program was in effect prior to the effective date of this act, condominium and apartment units not previously enrolled may be ineligible for enrollment if it is determined that the sewer lateral serving the unit is defective.**

2. The question shall be submitted in substantially the following form:

Shall a [maximum] charge [of seven] **not to exceed fifty** dollars be assessed [quarterly] **annually** on [all] residential property [having] **for each lateral sewer service line serving** six or less dwelling units **on that property and condominiums that have six or less condominium units per building and any condominium responsible for its own individual lateral sewer line** to provide funds to pay the cost of certain repairs of [defective] **those** lateral sewer service lines [of those dwelling units] **which may be billed quarterly or annually?**

☐ YES

☐ NO

3. If a majority of the voters voting thereon approve the proposal provided for in subsection 2 of this section, the governing body of the city, town, village or county may enact an ordinance for the collection and administration of such fee in order to protect the public health, welfare, peace and safety. The funds collected pursuant to such ordinance shall be deposited in a special account to be used solely for the purpose of paying for all or a portion of the costs reasonably associated with and necessary to administer and carry out the defective lateral sewer service line repairs. All interest generated on deposited funds shall be accrued to the special account established for the repair of lateral sewer service lines.

Approved July 1, 2003

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SB 219 [SS SB 219]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Creates the Korean Conflict Medallion Program.**

AN ACT to repeal sections 42.175 and 313.835, RSMo, and to enact in lieu thereof six new sections relating to medallions for service in the armed forces, with an emergency clause.

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## SECTION

- A. Enacting clause.
- 42.175. Adjutant general to administer awards — disposition of deceased applicant's awards.
- 42.200. Program established, criteria — veteran defined.
- 42.202. Adjutant general to administer program, rulemaking authority — application procedure — disallowance, procedure.
- 42.204. Veterans' commission to design form of medallions, medals and certificates.
- 42.206. Korean Conflict veterans' recognition award fund created, use of moneys — automatic termination of fund, when.
- 313.835. Gaming commission fund created, purpose, expenditures — veterans' commission capital improvement trust fund, created, purpose, funding — disposition of proceeds of gaming commission fund — early childhood development education and care fund, created, purpose, funding, study, rules — grants for veterans' service officer program.
- B. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 42.175 and 313.835, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 42.175, 42.200, 42.202, 42.204, 42.206, and 313.835, to read as follows:

**42.175. ADJUTANT GENERAL TO ADMINISTER AWARDS — DISPOSITION OF DECEASED APPLICANT'S AWARDS.** — 1. Except as otherwise provided in sections 42.170 to 42.185, the adjutant general of the state of Missouri shall administer sections 42.170 to 42.185, and may adopt all rules and regulations necessary to administer the provisions of sections 42.170 to 42.185. No rule or portion of a rule promulgated pursuant to sections 42.170 to 42.185 shall become effective unless promulgated pursuant to chapter 536, RSMo.

2. The adjutant general shall determine as expeditiously as possible the persons who are entitled to a medallion, medal and a certificate pursuant to sections 42.170 to 42.185 and distribute the medallions, medals and the certificates as provided in sections 42.170 to 42.185. Applications for the medallion, medal and the certificate shall be filed with the office of the adjutant general at any time after January 1, 2001, and before July 1, [2003] **2004**, on forms prescribed and furnished by the adjutant general's office. The adjutant general shall approve all applications that are in order, and shall cause a medallion, medal and a certificate to be prepared for each approved veteran in the form created by the veterans' commission pursuant to section 42.180.

3. The following persons may apply for a medallion, medal and certificate pursuant to sections 42.170 to 42.185:

(1) Any veteran who is entitled to a medallion, medal and certificate pursuant to sections 42.170 to 42.185;

(2) Any spouse **or eldest living survivor** of a veteran who is entitled to a medallion, medal and certificate pursuant to sections 42.170 to 42.185 but who died prior to having made application for such medallion, medal and certificate.

4. If any spouse **or eldest living survivor** applies for the medallion, medal and certificate pursuant to subsection 3 of this section or if any veteran dies after applying for a medallion or medal and a certificate pursuant to sections 42.170 to 42.185 and such veteran would have been entitled to the medallion, medal and the certificate, the adjutant general shall give the medallion, medal and the certificate to the spouse **or eldest living survivor** of the deceased veteran.

5. If the adjutant general disallows any veteran's claim to a medallion, medal and a certificate pursuant to sections 42.170 to 42.185, a statement of the reason for the disallowance shall be filed with the application and notice of this disallowance shall be mailed to the applicant at the applicant's last known address.

**42.200. PROGRAM ESTABLISHED, CRITERIA — VETERAN DEFINED.** — **1. There is hereby created within the state adjutant general's office, the "Korean Conflict Medallion**

Program". Every veteran who honorably served on active duty in the United States military service at any time beginning June 27, 1950, and ending January 31, 1955, shall be entitled to receive a Korean conflict medallion, medal, and a certificate of appreciation pursuant to sections 42.200 to 42.206, provided that:

(1) Such veteran is a legal resident of this state on August 28, 2003, or was a legal resident of this state at the time of his or her death; and

(2) Such veteran was honorably separated or discharged from military service or is still in active service in an honorable status, or was in active service in an honorable status at the time of his or her death.

2. The Korean conflict medallion, medal, and a certificate shall be awarded regardless of whether or not such veteran served within the United States or in a foreign country. The medallion, medal, and the certificate shall be awarded regardless of whether or not such veteran was under eighteen years of age at the time of enlistment. For purposes of sections 42.200 to 42.206, "veteran" means any person defined as a veteran by the United States Department of Veterans' Affairs or its successor agency.

**42.202. ADJUTANT GENERAL TO ADMINISTER PROGRAM, RULEMAKING AUTHORITY — APPLICATION PROCEDURE — DISALLOWANCE, PROCEDURE. —** 1. Except as otherwise provided in sections 42.200 to 42.206, the adjutant general of the state of Missouri shall administer the provisions of sections 42.200 to 42.206, and may adopt all rules and regulations necessary to administer the provisions of sections 42.200 to 42.206. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 42.200 to 42.206 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. Sections 42.200 to 42.206 and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

2. The adjutant general shall determine as expeditiously as possible the persons who are entitled to a Korean conflict medallion, medal, and a certificate pursuant to sections 42.200 to 42.206 and distribute the medallions, medals, and the certificates as provided in sections 42.200 to 42.206. Applications for the Korean conflict medallion, medal, and the certificate shall be filed with the office of the adjutant general at any time after January 1, 2004, and before January 1, 2005, on forms prescribed and furnished by the adjutant general's office. The adjutant general shall approve all applications that are in order, and shall cause a Korean conflict medallion, medal, and a certificate to be prepared for each approved veteran in the form created by the veterans' commission pursuant to section 42.204.

3. The following persons may apply for a Korean conflict medallion, medal, and a certificate pursuant to sections 42.200 to 42.206:

(1) Any veteran who is entitled to a Korean conflict medallion, medal, and a certificate pursuant to sections 42.200 to 42.206;

(2) Any spouse or eldest living survivor of a deceased veteran who would be entitled to a Korean conflict medallion, medal, and a certificate pursuant to sections 42.200 to 42.206 but who died prior to having made application for such medallion, medal, and certificate.

4. If any spouse or eldest living survivor applies for the Korean conflict medallion, medal, and certificate pursuant to subsection 3 of this section or if any veteran dies after applying for a Korean conflict medallion, medal, and a certificate pursuant to sections 42.200 to 42.206 and such veteran would have been entitled to the Korean conflict medallion, medal, and the certificate, the adjutant general shall give the Korean conflict

medallion, medal, and the certificate to the spouse or eldest living survivor of the deceased veteran.

5. If the adjutant general disallows any veteran's claim to a Korean conflict medallion, medal, and a certificate pursuant to sections 42.200 to 42.206, a statement of the reason for the disallowance shall be filed with the application and notice of this disallowance shall be mailed to the applicant at the applicant's last known address.

**42.204. VETERANS' COMMISSION TO DESIGN FORM OF MEDALLIONS, MEDALS AND CERTIFICATES.** — The veterans' commission shall design the form of the Korean conflict medallion, medal, and the certificate and forward the approved designs to the adjutant general for distribution pursuant to sections 42.200 to 42.206. It is the intent of the general assembly to create statewide involvement in the design of these symbols in recognition of this historic endeavor. Therefore, in designing the forms, the veterans' commission may solicit potential designs from elementary and secondary schools, veterans' groups, civic organizations, or any other interested party, and may select the best design from among such solicited designs, or may select another design.

**42.206. KOREAN CONFLICT VETERANS' RECOGNITION AWARD FUND CREATED, USE OF MONEYS — AUTOMATIC TERMINATION OF FUND, WHEN.** — 1. The "Korean Conflict Veterans' Recognition Award Fund" is hereby created in the state treasury, and shall consist of all gifts, donations, and bequests to the fund. The fund shall be administered by the adjutant general. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the Korean conflict veterans' recognition award fund shall not be transferred to the credit of the general revenue fund at the end of the biennium. Interest and moneys earned on the fund shall be credited to the fund.

2. Moneys in the fund shall be used solely to promote the solicitation for designs for, aid in the manufacture of, and aid in the distribution of the medallion, medal, and the certificate.

3. When all allowed Korean conflict medallions, medals, and certificates have been distributed, the fund shall automatically be terminated. Any balance remaining in the fund after all such distributions shall be transferred to the veterans' commission capital improvement trust fund created in section 313.835, RSMo.

**313.835. GAMING COMMISSION FUND CREATED, PURPOSE, EXPENDITURES — VETERANS' COMMISSION CAPITAL IMPROVEMENT TRUST FUND, CREATED, PURPOSE, FUNDING — DISPOSITION OF PROCEEDS OF GAMING COMMISSION FUND — EARLY CHILDHOOD DEVELOPMENT EDUCATION AND CARE FUND, CREATED, PURPOSE, FUNDING, STUDY, RULES — GRANTS FOR VETERANS' SERVICE OFFICER PROGRAM.** — 1. All revenue received by the commission from license fees, penalties, administrative fees, reimbursement by any excursion gambling boat operators for services provided by the commission and admission fees authorized pursuant to the provisions of sections 313.800 to 313.850, except that portion of the admission fee, not to exceed one cent, that may be appropriated to the compulsive gamblers fund as provided in section 313.820, shall be deposited in the state treasury to the credit of the "Gaming Commission Fund" which is hereby created for the sole purpose of funding the administrative costs of the commission, subject to appropriation. Moneys deposited into this fund shall not be considered proceeds of gambling operations. Moneys deposited into the gaming commission fund shall be considered state funds pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the gaming commission fund shall be credited to the gaming commission fund. In each fiscal year, total revenues to the gaming commission fund for the preceding fiscal year shall be compared to total expenditures and transfers from the gaming commission fund for the preceding fiscal year. The remaining net proceeds in the gaming commission fund shall be distributed in the following manner:

(1) The first five hundred thousand dollars shall be appropriated on a per capita basis to cities and counties that match the state portion and have demonstrated a need for funding community neighborhood organization programs for the homeless and to deter gang-related violence and crimes;

(2) The remaining net proceeds in the gaming commission fund for fiscal year 1998 and prior years shall be transferred to the "Veterans' Commission Capital Improvement Trust Fund", as hereby created in the state treasury. The state treasurer shall administer the veterans' commission capital improvement trust fund, and the moneys in such fund shall be used solely, upon appropriation, by the Missouri veterans' commission for:

(a) The construction, maintenance or renovation or equipment needs of veterans' homes in this state;

(b) The construction, maintenance, renovation, equipment needs and operation of veterans' cemeteries in this state;

(c) Fund transfers to Missouri veterans' homes fund established pursuant to the provisions of section 42.121, RSMo, as necessary to maintain solvency of the fund;

(d) Fund transfers to any municipality with a population greater than four hundred thousand and located in part of a county with a population greater than six hundred thousand in this state which has established a fund for the sole purpose of the restoration, renovation and maintenance of a memorial or museum or both dedicated to World War I. Appropriations from the veterans' commission capital improvement trust fund to such memorial fund shall be provided only as a one-time match for other funds devoted to the project and shall not exceed five million dollars. Additional appropriations not to exceed ten million dollars total may be made from the veterans' commission capital improvement trust fund as a match to other funds for the new construction or renovation of other facilities dedicated as veterans' memorials in the state. All appropriations for renovation, new construction, reconstruction, and maintenance of veterans' memorials shall be made only for applications received by the Missouri veterans' commission prior to July 1, 2004;

(e) The issuance of matching fund grants for veterans' service officer programs to any federally chartered veterans' organization or municipal government agency that is certified by the Veterans Administration to process veteran claims within the Veterans Administration System; provided that such veterans' organization has maintained a veterans' service officer presence within the state of Missouri for the three-year period immediately preceding the issuance of any such grant. A total of seven hundred fifty thousand dollars in grants shall be made available annually with grants being issued in July of each year. Application for the matching grants shall be made through and approved by the Missouri veterans' commission based on the requirements established by the commission;

(f) For payment of Missouri national guard and Missouri veterans' commission expenses associated with providing medals, medallions and certificates in recognition of service in the armed forces of the United States during World War II **and the Korean Conflict** pursuant to sections 42.170 to [42.190] **42.206**, RSMo. Any funds remaining from the medals, medallions and certificates shall [be used to pay for the buglers at veteran burials] **not be transferred to any other fund and shall only be utilized for the awarding of future medals, medallions, and certificates in recognition of service in the armed forces;** and

(g) Fund transfers totaling ten million dollars to any municipality with a population greater than three hundred fifty thousand inhabitants and located in part in a county with a population greater than six hundred thousand inhabitants and with a charter form of government, for the sole purpose of the construction, restoration, renovation and maintenance of a memorial or museum or both dedicated to World War I.

Any interest which accrues to the fund shall remain in the fund and shall be used in the same manner as moneys which are transferred to the fund pursuant to this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the veterans' commission

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capital improvement trust fund at the end of any biennium shall not be transferred to the credit of the general revenue fund;

(3) The remaining net proceeds in the gaming commission fund for fiscal year 1999 and each fiscal year thereafter shall be distributed as follows:

(a) Three million dollars shall be transferred to the veterans' commission capital improvement trust fund;

(b) Three million dollars shall be transferred to the Missouri national guard trust fund created in section 41.214, RSMo;

(c) Three million dollars shall be transferred to the Missouri college guarantee fund, established pursuant to the provisions of section 173.248, RSMo, and additional moneys as annually appropriated by the general assembly shall be appropriated to such fund;

(d) Subject to appropriations, one hundred percent of remaining net proceeds in the gaming commission fund except as provided in paragraph (l) of this subdivision, shall be transferred to the "Early Childhood Development, Education and Care Fund" which is hereby created to give parents meaningful choices and assistance in choosing the child-care and education arrangements that are appropriate for their family. All interest received on the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080, RSMo, moneys in the fund at the end of any biennium shall not be transferred to the credit of the general revenue fund. Any moneys deposited in such fund shall be used to support programs that prepare children prior to the age in which they are eligible to enroll in kindergarten, pursuant to section 160.053, RSMo, to enter school ready to learn. All moneys deposited in the early childhood development, education and care fund shall be annually appropriated for voluntary, early childhood development, education and care programs serving children in every region of the state not yet enrolled in kindergarten;

(e) No less than sixty percent of moneys deposited in the early childhood development, education and care fund shall be appropriated as provided in this paragraph to the department of elementary and secondary education and to the department of social services to provide early childhood development, education and care programs through competitive grants to, or contracts with, governmental or private agencies. Eighty percent of such moneys pursuant to the provisions of this paragraph and additional moneys as appropriated by the general assembly shall be appropriated to the department of elementary and secondary education and twenty percent of such moneys pursuant to the provisions of this paragraph shall be appropriated to the department of social services. The departments shall provide public notice and information about the grant process to potential applicants.

a. Grants or contracts may be provided for:

(i) Start-up funds for necessary materials, supplies, equipment and facilities; and

(ii) Ongoing costs associated with the implementation of a sliding parental fee schedule based on income;

b. Grant and contract applications shall, at a minimum, include:

(i) A funding plan which demonstrates funding from a variety of sources including parental fees;

(ii) A child development, education and care plan that is appropriate to meet the needs of children;

(iii) The identity of any partner agencies or contractual service providers;

(iv) Documentation of community input into program development;

(v) Demonstration of financial and programmatic accountability on an annual basis;

(vi) Commitment to state licensure within one year of the initial grant, if funding comes from the appropriation to the department of elementary and secondary education and commitment to compliance with the requirements of the department of social services, if funding comes from the department of social services; and

(vii) With respect to applications by public schools, the establishment of a parent advisory committee within each public school program;

c. In awarding grants and contracts pursuant to this paragraph, the departments may give preference to programs which:

- (i) Are new or expanding programs which increase capacity;
- (ii) Target geographic areas of high need, namely where the ratio of program slots to children under the age of six in the area is less than the same ratio statewide;
- (iii) Are programs designed for special needs children;
- (iv) Are programs that offer services during nontraditional hours and weekends; or
- (v) Are programs that serve a high concentration of low-income families;

d. Beginning on August 28, 1998, the department of elementary and secondary education and the department of social services shall initiate and conduct a four-year study to evaluate the impact of early childhood development, education and care in this state. The study shall consist of an evaluation of children eligible for moneys pursuant to this paragraph, including an evaluation of the early childhood development, education and care of those children participating in such program and those not participating in the program over a four-year period. At the conclusion of the study, the department of elementary and secondary education and the department of social services shall, within ninety days of conclusion of the study, submit a report to the general assembly and the governor, with an analysis of the study required pursuant to this subparagraph, all data collected, findings, and other information relevant to early childhood development, education and care;

(f) No less than ten percent of moneys deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to provide early childhood development, education and care programs through child development, education and care certificates to families whose income does not exceed one hundred eighty-five percent of the federal poverty level in the manner pursuant to 42 U.S.C. 9858c(c)(2)(A) and 42 U.S.C. 9858n(2) for the purpose of funding early childhood development, education and care programs as approved by the department of social services. At a minimum, the certificate shall be of a value per child which is commensurate with the per child payment under item (ii) of subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or contracts. On February first of each year the department shall certify the total amount of child development, education and care certificates applied for and the unused balance of the funds shall be released to be used for supplementing the competitive grants and contracts program authorized pursuant to paragraph (e) of this subdivision;

(g) No less than ten percent of moneys deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to increase reimbursements to child-care facilities for low-income children that are accredited by a recognized, early childhood accrediting organization;

(h) No less than ten percent of the funds deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to provide assistance to eligible parents whose family income does not exceed one hundred eighty-five percent of the federal poverty level who wish to care for their children under three years of age in the home, to enable such parent to take advantage of early childhood development, education and care programs for such parent's child or children. At a minimum, the certificate shall be of a value per child which is commensurate with the per child payment under item (ii) of subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or contracts. The department of social services shall provide assistance to these parents in the effective use of early childhood development, education and care tools and methods;

(i) In setting the value of parental certificates under paragraph (f) of this subdivision and payments under paragraph (h) of this subdivision, the department of social services may increase the value based on the following:

a. The adult caretaker of the children successfully participates in the parents as teachers program pursuant to the provisions of sections 178.691 to 178.699, RSMo, a training program provided by the department on early childhood development, education and care, the home-

based Head Start program as defined in 42 U.S.C. 9832 or a similar program approved by the department;

b. The adult caretaker consents to and clears a child abuse or neglect screening pursuant to subdivision (1) of subsection 2 of section 210.152, RSMo; and

c. The degree of economic need of the family;

(j) The department of elementary and secondary education and the department of social services each shall by rule promulgated pursuant to chapter 536, RSMo, establish guidelines for the implementation of the early childhood development, education and care programs as provided in paragraphs (e) through (i) of this subdivision;

(k) Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in paragraph (j) of this subdivision shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998. All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and repealed as of August 28, 1998, however, nothing in this section shall be interpreted to repeal or affect the validity of any rule adopted or promulgated prior to August 28, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to August 28, 1998;

(l) When the remaining net proceeds, as such term is used pursuant to paragraph (d) of this subdivision, in the gaming commission fund annually exceeds twenty-seven million dollars, one and one-half million dollars of such proceeds shall be transferred annually, subject to appropriation, to the Missouri college guarantee fund, established pursuant to the provisions of section 173.248, RSMo.

2. Upon request by the veterans' commission, the general assembly may appropriate moneys from the veterans' commission capital improvements trust fund to the Missouri national guard trust fund to support the activities described in section 41.958, RSMo.

**SECTION B. EMERGENCY CLAUSE.** — Because of the need to properly recognize members of our armed forces in a timely manner, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved June 26, 2003

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## SB 228 [HCS SB 228]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Enables the City of Warrenton and Shannon County to levy a transient guest tax.**

AN ACT to repeal section 67.1360, RSMo, and to enact in lieu thereof two new sections relating to the purpose of tourism.

SECTION

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- A. Enacting clause.
- 67.1360. Transient guests to pay tax for funding the promotion of tourism, certain cities and counties, vote required.
- 67.2015. Surcharge for tickets or admission to certain tourist attractions and hotels, motels, and campgrounds (Shannon County).

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 67.1360, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 67.1360 and 67.2015, to read as follows:

**67.1360. TRANSIENT GUESTS TO PAY TAX FOR FUNDING THE PROMOTION OF TOURISM, CERTAIN CITIES AND COUNTIES, VOTE REQUIRED.** — The governing body of:

- (1) A city with a population of more than seven thousand and less than seven thousand five hundred;
  - (2) A county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003;
  - (3) A third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants;
  - (4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants;
  - (5) Any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;
  - (6) Any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;
  - (7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants;
  - (8) Any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand;
  - (9) Any county of the second classification without a township form of government and a population of less than thirty thousand;
  - (10) Any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand;
  - (11) Any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;
  - (12) Any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;
  - (13) Any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand;
  - (14) Any fourth class city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with
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a township form of government having a population of more than eight thousand four hundred but less than nine thousand inhabitants;

(15) Any fourth class city with a population of more than four hundred seventy but less than five hundred twenty inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(16) Any third class city with a population of more than three thousand eight hundred but less than four thousand inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(17) Any fourth class city with a population of more than four thousand three hundred but less than four thousand five hundred inhabitants located in a county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(18) Any fourth class city with a population of more than two thousand four hundred but less than two thousand six hundred inhabitants located in a county of the first classification without a charter form of government with a population of more than fifty-five thousand but less than sixty thousand inhabitants;

(19) Any fourth class city with a population of more than two thousand five hundred but less than two thousand six hundred inhabitants located in a county of the third classification with a population of more than nineteen thousand one hundred but less than nineteen thousand two hundred inhabitants;

(20) Any county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(21) Any county of the second classification with a population of more than forty-four thousand but less than fifty thousand inhabitants;

(22) Any third class city with a population of more than nine thousand five hundred but less than nine thousand seven hundred inhabitants located in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants; [or]

**(23) Any city of the fourth classification with more than five thousand two hundred but less than five thousand three hundred inhabitants located in a county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants; or**

**(24) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants; may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.**

**67.2015. SURCHARGE FOR TICKETS OR ADMISSION TO CERTAIN TOURIST ATTRACTIONS AND HOTELS, MOTELS, AND CAMPGROUNDS (SHANNON COUNTY). — 1. The governing body of any county of the third classification without a township form of government and with more than eight thousand three hundred but less than eight thousand four hundred**

inhabitants may impose, by ordinance or order, a surcharge on the sale of each ticket or other charge allowing admission to or participation in any private tourist attraction and on the daily rental of rooms or accommodations paid by transient guests of hotels, motels or campgrounds, as defined in section 94.802, RSMo, in such county, at a rate not to exceed five percent of such admission or amount. For purposes of this section, "private tourist attraction" means:

- (1) Organized trail rides; and
- (2) Canoe rentals;

Attractions operating on an occasional or intermittent basis for fund-raising purposes by nonprofit charitable organizations whose ordinary activities do not involve the operation of such attractions shall be exempt from the surcharge imposed by this section.

2. Every retailer, vendor, operator, and other person who sells goods and services subject to the surcharge imposed pursuant to this section shall be liable and responsible for the payment of surcharges due and shall make a return and remit such surcharges to the county, at such times and in such manner as the governing body of the county shall prescribe. The collection of the surcharges imposed by this section shall be computed in accordance with schedules or systems approved by the governing body of the county.

3. All surcharges authorized and collected under this section shall be deposited by the county in a special trust fund to be known as the "County Tourism Surcharge Trust Fund". The moneys in such fund shall not be commingled with any funds of the county. Moneys in the fund shall be used solely by the county for the promotion of tourism within the county. The surcharge authorized by this section shall be in addition to any and all other taxes allowed by law, but no order imposing a surcharge pursuant to this section shall be effective unless the governing body of the county submits to the voters of the county at a county or state general, primary, or special election a proposal to authorize the governing body of the county to impose such surcharge.

4. The ballot of submission shall contain, but need not be limited to:

Shall the county of ..... (insert name of county) impose a surcharge of (insert rate of tax) percent on the sales, charges or admissions on all hotels, motels or campgrounds rented for thirty days or less, and on the sales, charges or admissions to all private tourist attractions in the county?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the order imposing the surcharge shall be effective. If a majority of the votes cast by the qualified voters voting on the proposal are opposed to the proposal, then the governing body of the county shall have no power to impose the surcharge authorized in this section unless and until the governing body of the county again submits another proposal to authorize the governing body of the county to impose the surcharge authorized by this section, and such proposal is approved by the requisite majority of the qualified voters voting thereon.

5. The surcharge authorized by this section shall become effective within ninety days from the date such surcharges are approved by the voters of the county pursuant to this section. After the effective date of any surcharge imposed by this section, the county shall perform all functions incident to the administration, collection, enforcement, and operation of the surcharge. The surcharge imposed by this section shall be reported upon such forms as may be prescribed by the governing body of the county.

Approved July 1, 2003

## SB 232 [SB 232]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Authorizes conveyance of state property in Thousand Hills State Park.**

AN ACT to authorize the conveyance of property at Thousand Hills State Park.

## SECTION

1. Conveyance by the state of property at Thousand Hills State Park to James Joseph Lyons.
2. Consideration for conveyance of property to James Joseph Lyons.
3. Approval of form of instruments of conveyance by the attorney general.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION 1. CONVEYANCE BY THE STATE OF PROPERTY AT THOUSAND HILLS STATE PARK TO JAMES JOSEPH LYONS.** — The Missouri department of natural resources is hereby authorized to remise, release, and forever quit claim the following described property at Thousand Hills State Park to James Joseph Lyons. The property to be conveyed is more particularly described as follows:

A tract of land in the County of Adair and the State of Missouri, lying in part of the south half of Lot 1 of the southwest quarter of Section 7 in Township 62 North, Range 15 West of the Fifth Principal Meridian, being all that part easterly and southerly of the following described agreement boundary:

Commencing at a 5/8 inch rebar marking the southwest corner of Lot 1 of the southwest quarter of said Section 7 per survey filed with the Missouri Department of Natural Resources as document #750-26872; thence along the west line of said Lot 1 as per said survey, north 00 degrees 10 minutes 35 seconds west, a distance of 528.65 feet to a set 5/8 inch rebar, the TRUE POINT OF BEGINNING of the herein described agreement boundary, from which a found 5/8 inch rebar bears south 00 degrees 10 minutes 35 seconds east, a distance of 7.95 feet; thence departing said west line of Lot 1, south 69 degrees 38 minutes 25 seconds east, a distance of 68.40 feet to a set 5/8 inch rebar; thence north 00 degrees 30 minutes 00 seconds west, a distance of 587.00 feet to an existing 2 and 1/2 inch angle iron fence corner; thence north 88 degrees 48 minutes 30 seconds east, a distance of 444.80 feet to an existing 2 and 1/2 inch angle iron fence corner; thence south 00 degrees 17 minutes 00 seconds east, a distance of 260.75 feet to a set 5/8 inch rebar, the point of termination of the herein described agreement boundary, from which a found 5/8 inch rebar per survey filed with the Missouri Department of Natural Resources as document #750-26966, bears south 89 degrees 40 minutes 55 seconds east, a distance of 819.2 feet.

**SECTION 2. CONSIDERATION FOR CONVEYANCE OF PROPERTY TO JAMES JOSEPH LYONS.** — In consideration for the conveyance in section 1 of this act, the Missouri department of natural resources is hereby authorized to receive via quit claim deed the following property from James Joseph Lyons. The property to be conveyed to the department is more particularly described as follows:

A tract of land in the County of Adair and the State of Missouri, lying in part of the south half of Lot 1 of the southwest quarter of Section 7 in Township 62 North, Range 15 West of the Fifth Principal Meridian, being all that part westerly and northerly of the following described agreement boundary:

Commencing at a 5/8 inch rebar marking the southwest corner of Lot 1 of the southwest quarter of said Section 7 per survey filed with the Missouri Department of

Natural Resources as document #750-26872; thence along the west line of said Lot 1 as per said survey, north 00 degrees 10 minutes 35 seconds west, a distance of 528.65 feet to a set 5/8 inch rebar, the TRUE POINT OF BEGINNING of the herein described agreement boundary, from which a found 5/8 inch rebar bears south 00 degrees 10 minutes 35 seconds east, a distance of 7.95 feet; thence departing said west line of Lot 1, south 69 degrees 38 minutes 25 seconds east, a distance of 68.40 feet to a set 5/8 inch rebar; thence north 00 degrees 30 minutes 00 seconds west, a distance of 587.00 feet to an existing 2 and 1/2 inch angle iron fence corner; thence north 88 degrees 48 minutes 30 seconds east, a distance of 444.80 feet to an existing 2 and 1/2 inch angle iron fence corner; thence south 00 degrees 17 minutes 00 seconds east, a distance of 260.75 feet to a set 5/8 inch rebar, the point of termination of the herein described agreement boundary, from which a found 5/8 inch rebar per survey filed with the Missouri Department of Natural Resources as document #750-26966, bears south 89 degrees 40 minutes 55 seconds east, a distance of 819.2 feet.

**SECTION 3. APPROVAL OF FORM OF INSTRUMENTS OF CONVEYANCE BY THE ATTORNEY GENERAL.** — The attorney general shall approve as to form the instruments of conveyance.

Approved May 8, 2003

## SB 234 [HCS SB 234]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Allows Clay County to open or operate a concession stand at privately operated marinas.**

AN ACT to repeal section 64.342, RSMo, and to enact in lieu thereof one new section relating to county facilities, with an emergency clause.

### SECTION

- A. Enacting clause.
- 64.342. Park concession stands or marinas, county-operated, sale of refreshments, contracting procedures, proceeds go to county park fund (Clay County).
- B. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 64.342, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 64.342, to read as follows:

**64.342. PARK CONCESSION STANDS OR MARINAS, COUNTY-OPERATED, SALE OF REFRESHMENTS, CONTRACTING PROCEDURES, PROCEEDS GO TO COUNTY PARK FUND (CLAY COUNTY).** — 1. [Section 64.341 to the contrary notwithstanding,] The county commission of any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand containing part of a city with a population over three hundred fifty thousand is hereby authorized to acquire, by purchase or gift, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate, in whole or in part, concession stands or marinas within any area contiguous to the lake which is used as a public park, playground, camping site or recreation area. No such lease or concession grant shall be for a

longer term than twenty-five years, **unless the proposed investment by the lessee or concessionaire is greater than ten million dollars, in which case the lease or concession grant may, at the county's option, be for a term not to exceed fifty years.**

2. Such concession stands or marinas may offer refreshments for sale to the public using such areas and services therein relating to boating, swimming, picnicking, golfing, shooting, horseback riding, fishing, tennis and other recreational, cultural and educational uses upon such terms and under such regulations as the county may prescribe. **If the county elects to bid the services authorized herein, the county shall award any contracts relating thereto to the most favorable bidder based upon the terms and regulations prescribed by the county after due opportunity for competition including advertising the proposal letting or granting in a newspaper in the county with a circulation of at least five hundred copies per issue, if there be such, and if not, in such case notice shall be posted on the bulletin board in the county courthouse. The county shall have the right to reject any and all bids.**

3. All moneys derived from the operation of concession stands or marinas shall be paid into the county treasury and be credited to a "Park Fund" to be established by each county authorized under subsection 1 of this section and be used and expended by the county commission for park purposes.

4. [The provisions of this section authorizing and extending authority to counties concerning marinas shall not apply to any privately operated marina in operation prior to August 28, 2000, except that if an operator is in default or if no bids are received during the open bid period, then the county may operate such marina for a period not to exceed a cumulative total of twenty-four months.] **If the county owns, operates, or leases more than two such marinas, the county shall request bids for the operation of at least one marina pursuant to this section. Any lease or grant made pursuant to this section shall be made with a private individual or group of individuals or with any privately owned entity. The county may operate the marina to be leased or granted for a period not to exceed twenty-four months:**

- (1) From the date the county obtains ownership of more than two such marinas;**
- (2) If no bids are deemed by the county to be responsive or favorable; or**
- (3) In the event that an operator of the marina does not comply with the lease terms.**

**5. Any county meeting the qualifications of this section shall also have any other powers granted in section 64.341, provided, such powers shall not be construed to limit any powers granted in this section.**

**SECTION B. EMERGENCY CLAUSE.** — Because of the need to clarify the rights of property owners, the repeal and reenactment of section 64.342 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 64.342 of section A of this act shall be in full force and effect upon its passage and approval.

Approved April 28, 2003

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SB 235 [SB 235]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Considers the value of a redevelopment area when calculating local indebtedness limit.**

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AN ACT to repeal section 99.845, RSMo, and to enact in lieu thereof one new section relating to local government indebtedness.

SECTION

A. Enacting clause.

99.845. Tax increment financing adoption — division of ad valorem taxes — payments in lieu of tax, deposit, inclusion and exclusion of current equalized assessed valuation for certain purposes, when — other taxes included, amount — supplemental tax increment financing fund established, disbursement.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 99.845, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 99.845, to read as follows:

**99.845. TAX INCREMENT FINANCING ADOPTION — DIVISION OF AD VALOREM TAXES — PAYMENTS IN LIEU OF TAX, DEPOSIT, INCLUSION AND EXCLUSION OF CURRENT EQUALIZED ASSESSED VALUATION FOR CERTAIN PURPOSES, WHEN — OTHER TAXES INCLUDED, AMOUNT — SUPPLEMENTAL TAX INCREMENT FINANCING FUND ESTABLISHED, DISBURSEMENT.** — 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) (a) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861, RSMo. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula

provided for in section 163.031, RSMo, until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

**(b) Notwithstanding any provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to article VI, section 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes;**

**(c) The county assessor shall include the current assessed value of all property within the taxing district in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, RSMo, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to article VI, section 26(b) of the Missouri Constitution;**

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X, of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, RSMo, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, or effective January 1, 1998, taxes levied for the purpose of public transportation pursuant to section 94.660, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other

designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, RSMo, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, RSMo, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221, RSMo, at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, RSMo, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees

who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the aggregate annual appropriation of the new state revenues for redevelopment areas exceed fifteen million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. All personnel and other costs incurred by the department of economic development for the administration and operation of subsections 4 to 12 of this section shall be paid from the state general revenue fund. On an annual basis, the general revenue fund shall be reimbursed for the full amount of such costs by the developer or developers of the project or projects for which municipalities have made tax increment financing applications for the appropriation of new state revenues, as provided for in subdivision (1) of subsection 10 of this section. The amount of costs charged to each developer shall be based upon the percentage arrived at by dividing the monetary amount of the application made by each municipality for a particular project by the total monetary amount of all applications received by the department of economic development.

Approved May 8, 2003

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## SB 238 [SCS SB 238]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Modifies provisions regarding incorporation or annexation of unincorporated areas in Cass County.**

AN ACT to repeal sections 72.080 and 72.130, RSMo, and to enact in lieu thereof two new sections relating to incorporation of cities, with an emergency clause.

### SECTION

A. Enacting clause.

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- 72.080. Cities and towns may be incorporated in their respective classes — exception, certain cities must comply with boundary change law — exception, Cass County — owners of majority of certain class of property may object to incorporation, cause of action — definition — contents of petition.
- 72.130. No incorporation within two miles of existing city, where, exceptions.
- B. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 72.080 and 72.130, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 72.080 and 72.130, to read as follows:

**72.080. CITIES AND TOWNS MAY BE INCORPORATED IN THEIR RESPECTIVE CLASSES — EXCEPTION, CERTAIN CITIES MUST COMPLY WITH BOUNDARY CHANGE LAW — EXCEPTION, CASS COUNTY — OWNERS OF MAJORITY OF CERTAIN CLASS OF PROPERTY MAY OBJECT TO INCORPORATION, CAUSE OF ACTION — DEFINITION — CONTENTS OF PETITION.** — 1. Any unincorporated city, town or other area of the state may, except as otherwise provided in sections 72.400 to 72.420, become a city of the class to which its population would entitle it pursuant to this chapter, and be incorporated pursuant to the law for the government of cities of that class, in the following manner: whenever a number of voters equal to fifteen percent of the votes cast in the last gubernatorial election in the area proposed to be incorporated shall present a petition to the governing body of the county in which such city or town or area is situated, such petition shall describe, by metes and bounds, the area to be incorporated and be accompanied by a plat thereof, shall state the approximate population and the assessed valuation of all real and personal property in the area and shall state facts showing that the proposed city shall have the ability to furnish normal municipal services within a reasonable time after its incorporation is to become effective and praying that the question be submitted to determine if it may be incorporated. If the governing body shall be satisfied that a number of voters equal to fifteen percent of the votes cast in the last gubernatorial election in the area proposed to be incorporated have signed such petition, the governing body shall submit the question to the voters.

2. The county may make changes in the petition to correct technical errors or to redefine the metes and bounds of the area to be incorporated to reflect other boundary changes occurring within six months prior to the time of filing the petition. Petitions submitted by proposing agents may be submitted with exclusions for the signatures collected in areas originally included in the proposal but subsequently annexed or incorporated separately as a city, town or village, although the governing body shall be satisfied as to the sufficiency of the signatures for the final proposed area. If a majority of the voters voting on the question vote for incorporation, the governing body shall declare such city, town or other area incorporated, designating in such order the metes and bounds thereof, and thenceforth the inhabitants within such bounds shall be a body politic and incorporate, by the name and style of "the city of .....", or "the town of .....", and the first officers of such city or town shall be designated by the order of the governing body, who shall hold their offices until the next municipal election and until their successors shall be duly elected and qualified. The county shall pay the costs of the election.

3. In any county with a charter form of government where fifty or more cities, towns and villages have been incorporated, an unincorporated city, town or other area of the state shall not be incorporated except as provided in sections 72.400 to 72.420.

**4. Any unincorporated area with a private eighteen hole golf course community and at least a one hundred acre lake located within any county of the first classification with more than eighty-two thousand but less than eighty-two thousand one hundred inhabitants may incorporate as a city of the class to which its population would entitle it pursuant to this chapter notwithstanding any proposed annexation of the unincorporated area by any city of the third or fourth classification or any home rule city with more than four hundred thousand inhabitants and located in more than one county. If any city of the**

third or fourth classification or any home rule city with more than four hundred thousand inhabitants and located in more than one county proposes annexation by ordinance or resolution of any unincorporated area as defined in this subsection, no such annexation shall become effective until after the qualified voters in the unincorporated area proposed to be incorporated fail to approve the proposed incorporation by a majority vote in the election described in subsection 2 of this section.

[4.] 5. Prior to the election described in subsection 2 of this section, if the owner or owners of either the majority of the commercial or the majority of the agricultural classification of real property in the proposed area to be incorporated object to such incorporation, such owner or owners may file an action in the circuit court of the county in which such unincorporated area is situated, pursuant to [the provisions of] chapter 527, RSMo, praying for a declaratory judgment requesting that such incorporation be declared unreasonable by the court. As used in this subsection, a "majority of the commercial or agricultural classification" means a majority as determined by the assessed valuation of the tracts of real property in either classification to be determined by the assessments made according to chapter 137, RSMo. The petition in such action shall state facts showing that such incorporation including the real property owned by the petitioners is not reasonable based on the same criteria as specified in subsection 3 of section 72.403 and is not necessary to the proper development of the city or town. If the circuit court finds that such inclusion is not reasonable and necessary, it may enjoin the incorporation or require the petition requesting the incorporation to be resubmitted excluding all or part of the property of the petitioners from the proposed incorporation.

**72.130. NO INCORPORATION WITHIN TWO MILES OF EXISTING CITY, WHERE, EXCEPTIONS.** — Except as provided in sections 72.400 to 72.420, no city, town, village or other area shall be organized within this state under and by virtue of any law thereof, adjacent to or within two miles of the limits of any city of the first, second, third or fourth classification or any constitutional charter city, unless the city, town, village or other area be in a different county from the city **or unless the city, town, or village is located within any county of the first classification with more than eighty-two thousand but less than eighty-two thousand one hundred inhabitants**, except that a city, town, village or other area may be incorporated within the two-mile area if a petition signed by a number of voters equal to fifteen percent of the votes cast in the last gubernatorial election in the area proposed to be incorporated is presented to the existing city requesting that the boundaries of the existing city be extended to include the area proposed to be incorporated and if action taken thereon by the existing city is unfavorable to the petition, or if no action is taken by the existing city on the petition, then the city, town, village or other area may be incorporated after the expiration of one year from the date of the petition and upon a favorable majority vote on the question.

**SECTION B. EMERGENCY CLAUSE.** — Because of the need to preserve existing property rights for owners of property in unincorporated areas, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved May 15, 2003

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SB 239 [SCS SB 239]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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**Authorizes conveyance of National Guard Armory in Sedalia to the Sedalia School District Foundation.**

AN ACT to authorize the governor to convey a tract of land owned by the state in the county of Pettis.

SECTION

1. Public sale and conveyance by the state of the National Guard Armory in Sedalia.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION 1. PUBLIC SALE AND CONVEYANCE BY THE STATE OF THE NATIONAL GUARD ARMORY IN SEDALIA. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in a tract of land owned by the state in the county of Pettis known as the National Guard Armory in Sedalia. The property to be conveyed is more particularly described as follows:**

**All of the South One Hundred Ten (110) feet of Block Forty-four (44) of Mrs. M. E. Martin and Miss S.E. Smith's Second Addition to the City of Sedalia, Missouri;**

**And also an easement for light and no other purpose, upon that parcel of ground which adjoins and lies immediately North of the above described tract in said block, and being Fifteen (15) feet in width North and South and Two Hundred Thirty and one-half (230½) feet in length East and West.**

**2. The commissioner of administration shall set the terms and conditions for the public sale of the property, as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required; the time, place, and terms of the sale; and whether to utilize a public auctioneer or licensed real estate broker to market the property. Any auctioneer or broker employed to market the property shall receive the customary fee. All costs and fees, directly related to such sale, shall be paid from the proceeds of such sale. The commissioner shall require a minimum bid of ninety-nine thousand nine hundred ninety dollars. If no such bid is received, within six months of opening of the public sale, then the commissioner shall convey the property to the Sedalia School District Foundation for the sum of one dollar.**

**3. The attorney general shall approve as to form the instrument of conveyance.**

Approved May 8, 2003

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SB 242 [HCS SS SB 242]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Limits the amount of a supersedeas bond in tobacco products litigation.**

AN ACT to amend chapter 512, RSMo, by adding thereto one new section relating to supersedeas bond requirements.

SECTION

- A. Enacting clause.
- 512.085. Supersedeas bond requirements, tobacco settlement litigation.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

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**SECTION A. ENACTING CLAUSE.** — Chapter 512, RSMo, is amended by adding thereto one new section, to be known as section 512.085, to read as follows:

**512.085. SUPERSEDEAS BOND REQUIREMENTS, TOBACCO SETTLEMENT LITIGATION.** —

1. In order to secure and protect the monies to be received as a result of the master settlement agreement, as defined in section 196.1000, RSMo, in civil litigation as to any claim relating to tobacco products involving a signatory, a successor of a signatory, or an affiliate of a signatory to the master settlement agreement, the amount of the required undertaking or bond or equivalent surety to be furnished during the pendency of an appeal or any discretionary appellate review of any judgment granting legal, equitable, or any other form of relief in order to stay the execution thereon during the entire course of appellate review shall be set in accordance with applicable laws or court rules, except that the total appeal bond or equivalent surety that is required of all appellants collectively shall not exceed fifty million dollars, regardless of the value of the judgment. Nothing in this section or any other provision of law shall be construed to eliminate the discretion of the court, for good cause shown, to set the undertaking or bond on appeal in an amount lower than that otherwise established by law.

2. If the appellee proves by a preponderance of the evidence that a party bringing an appeal or seeking a stay, for whom the undertaking has been limited, is purposefully dissipating or diverting assets outside of the ordinary course of its business for the purpose of avoiding ultimate payment of the judgment, a limitation granted pursuant to subsection 1 of this section may be rescinded and the court may enter such orders as are necessary to prevent dissipation or diversion of the assets. An appellant whose bond has been reduced pursuant to subsection 1 of this section shall:

(1) Provide to the court and appellee the most recent statement of assets and liabilities of the appellant that is filed with any federal, state, or foreign regulatory agency;

(2) Provide to the court and appellee on a quarterly basis any subsequent updated statement of assets and liabilities that is filed with any federal, state, or foreign regulatory agency; and

(3) Agree that it will not dissipate or divert assets outside the ordinary course of its business for the purpose of avoiding ultimate payment of the judgment.

3. The provisions of this section shall apply to all cases pending on or after the effective date of this section.

Approved July 9, 2003

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**SB 243 [HCS SB 243]**

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Creates the State Property Preservation Fund.**

AN ACT to amend chapter 37, RSMo, by adding thereto two new sections relating to the creation of the property preservation fund, with an emergency clause.

**SECTION**

A. Enacting clause.

37.410. Fund created, purpose, payments authorized, when.

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- 37.413. Moneys appropriated from fund deemed to satisfy state's property insurance requirements for state buildings.
- B. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 37, RSMo, is amended by adding thereto two new sections, to be known as sections 37.410 and 37.413, to read as follows:

**37.410. FUND CREATED, PURPOSE, PAYMENTS AUTHORIZED, WHEN.** — **1.** There is hereby created a "State Property Preservation Fund" which shall consist of moneys appropriated to the fund by the general assembly for the purpose of repairing or replacing state-owned or leased property damaged from natural or man-made events.

**2.** Moneys appropriated for the purposes of sections 37.410 to 37.413 shall be available for the payment of any property loss for covered state-owned or leased buildings provided:

(1) A notice of coverage is issued by the commissioner of administration for such property; and

(2) The state is obligated to provide evidence of insurance for such property pursuant to a properly executed agreement, contract, or covenant.

**3.** The aggregate of payments from the state property preservation fund or other funds appropriated for this purpose shall not exceed the amounts necessary to repair or restore the covered property to its condition prior to the covered loss or for the defeasance of outstanding debt secured by the property. No payment shall be made from the state property preservation fund or other funds appropriated for this purpose unless and until the benefits provided to pay the claim by any other policy of property insurance have been exhausted.

**4.** The provisions of section 33.080, RSMo, notwithstanding, any moneys remaining to the credit of the state property preservation fund at the end of an appropriation period shall not be transferred to general revenue.

**37.413. MONEYS APPROPRIATED FROM FUND DEEMED TO SATISFY STATE'S PROPERTY INSURANCE REQUIREMENTS FOR STATE BUILDINGS.** — Moneys appropriated for the purposes of sections 37.410 to 37.413 shall be deemed as satisfying all provisions contained in any agreement, contract, or covenant requiring the state to purchase or maintain property insurance on state-owned or leased buildings and their contents.

**SECTION B. EMERGENCY CLAUSE.** — Because immediate action is necessary to provide additional fiscal relief for the state, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved June 9, 2003

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SB 248 [CCS HS HCS SS#2 SCS SB 248,100,118,233,247,341 & 420]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Revises provisions of various retirement plans.**

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AN ACT to repeal sections 84.140, 86.251, 86.690, 104.010, 104.040, 104.110, 104.271, 104.340, 104.370, 104.460, 104.517, 104.1003, 104.1021, 104.1024, 104.1051, 104.1072, 104.1093, 169.712, and 287.845, RSMo, and to enact in lieu thereof twenty-seven new sections relating to the retirement systems and benefits, with penalty provisions and an emergency clause for certain sections.

#### SECTION

- A. Enacting clause.
- 84.140. Vacations, holidays and off-duty time.
- 86.251. Deferred retirement option plan — election — deposit of retirement allowance in DROP account — termination of participation, when — forms of payment — effect of participation — death of member, payment of funds — accidental disability retirement allowance, effect — interest, amount — approval by IRS — election for monthly survivor annuity, when.
- 86.394. Board members in active police service, leave to attend educational seminars.
- 86.445. Incentives for early retirement, authority to administer and pay.
- 86.676. Incentives for early retirement, board to administer and pay.
- 86.690. Death of member prior to or following retirement, payments made, how — additional one thousand dollar funeral benefit paid, when.
- 104.010. Definitions.
- 104.040. Members to receive credit for prior service — military service to be considered — purchase of credit for service in the armed forces, cost, interest rate, computation — certain creditable prior service, purchase of, effect — nonfederal public employment, purchase of credit for service.
- 104.110. Disability benefits, who entitled, how calculated, terminated when — medical examination required, when — proof of application for Social Security benefits — death benefit, not payable, when — board to establish definitions — annuity benefits, accrual, election — death benefit, eligibility, when.
- 104.271. Retirement age, certain employees — "eighty and out".
- 104.340. Creditable prior service and prior service credits — what is included — special consultants, requirements, compensation.
- 104.370. General assembly members entitled to normal annuity, requirements, limitation — election to state office, effect — certain members entitled to creditable prior service — former members as special consultants, compensation — elected county officials, prior service.
- 104.460. Board officer, selection, terms — elected members campaign disclosure procedure, penalty — executive director and staff, appointment, salaries, expenses — service of process to be served on director or director's designee.
- 104.517. Life insurance benefits, employees covered — certain departments and highway patrol may elect coverage — amount — additional insurance by payroll deductions, maximum — retention of coverage on retirement, cost deducted from retirement benefits — death benefits for special consultants.
- 104.806. Certain employees, transferred to MoDOT, not to become members of MoDOT retirement system unless elect to, procedure.
- 104.1003. Definitions.
- 104.1021. Credited service determined by board — calculation.
- 104.1024. Retirement, application — annuity payments, how paid, amount — election to receive annuity or lump sum payment for certain employees, determination of amount.
- 104.1051. Annuity deemed marital property — division of benefits.
- 104.1072. Life insurance benefits — medical insurance for certain retirees.
- 104.1093. Designation of an agent — benefit recipient defined — revocation of agent's authority.
- 168.303. Job-sharing rules to be adopted by board, job sharing defined.
- 169.712. Transfer to public school retirement system, certain nonteacher employees, procedure.
- 287.845. Administration of retirement system and funds.
  - 1. Certain retirees eligible to apply for medical coverage benefits, amount of contribution, limitations.
  - 2. Certain employees eligible for retirement may apply for medical benefits upon retirement, amount of contribution, time limitations.
  - 3. Workers memorial fund, tax refund contribution may be designated — director's duties.
- B. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 84.140, 86.251, 86.690, 104.010, 104.040, 104.110, 104.271, 104.340, 104.370, 104.460, 104.517, 104.1003, 104.1021, 104.1024, 104.1051, 104.1072, 104.1093, 169.712, and 287.845, RSMo, are repealed and twenty-seven new sections enacted in lieu thereof, to be known as sections 84.140, 86.251, 86.394, 86.445,

86.676, 86.690, 104.010, 104.040, 104.110, 104.271, 104.340, 104.370, 104.460, 104.517, 104.806, 104.1003, 104.1021, 104.1024, 104.1051, 104.1072, 104.1093, 168.303, 169.712, 287.845, 1, 2, and 3, to read as follows:

**84.140. VACATIONS, HOLIDAYS AND OFF-DUTY TIME.** — The boards may grant every member of the police force who has served for one year or more a total of three weeks vacation each year with pay, and each member of the police force who has served the department for twelve years or more may receive four weeks vacation each year with pay, and each member of the police force who has served the department for twenty-one years or more shall receive five weeks vacation each year with pay, **and each member of the police force who has served the department for thirty years or more and is eligible to participate in the deferred retirement option plan shall receive six weeks vacation each year with pay;** however the board may grant an additional week of paid vacation to members after one year of service. All members of the police force may receive fifteen holidays with pay, however the board may grant additional holidays with pay, and one hundred four days off duty each year with pay, and the boards may from time to time grant additional days off duty each year with pay when in the judgment of the boards, the granting thereof will not materially impair the efficiency of the department.

**86.251. DEFERRED RETIREMENT OPTION PLAN — ELECTION — DEPOSIT OF RETIREMENT ALLOWANCE IN DROP ACCOUNT — TERMINATION OF PARTICIPATION, WHEN — FORMS OF PAYMENT — EFFECT OF PARTICIPATION — DEATH OF MEMBER, PAYMENT OF FUNDS — ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE, EFFECT — INTEREST, AMOUNT — APPROVAL BY IRS — ELECTION FOR MONTHLY SURVIVOR ANNUITY, WHEN.** —

1. The board of trustees may develop and establish a deferred retirement option plan (DROP) in which members who are eligible for retirement but who have not terminated employment as police officers and who have not actually retired may participate. The DROP shall be designed to allow members with at least twenty years of creditable service or who have attained the age of fifty-five who have achieved eligibility for retirement and are entitled to a service retirement allowance and other benefits to postpone actual retirement, continue active employment and accumulate a deferred receipt of the service retirement allowance. No one shall participate in the DROP for a period exceeding five years.

2. Any member who has at least twenty years of creditable service or has attained the age of fifty-five may elect in writing before retirement to participate in the DROP. A member electing to participate in the DROP shall postpone actual retirement, shall continue in active employment and shall not receive any direct retirement allowance payments or benefits during the period of participation.

3. Upon the start of the participation in the DROP, the member shall cease to make any mandatory contributions to the system. No contribution shall be required by the city into the DROP account. During the period of participation in the DROP, the amount that the member would have received as a service retirement allowance if the member had actually retired instead of entering DROP shall be deposited monthly in the member's DROP account which shall be established in the member's name by the board of trustees. The member's service retirement allowance shall not be adjusted for any cost-of-living increases for any period prior to the member's termination of employment as a police officer and actual retirement. Cost-of-living increases, if any, for any period following the member's termination of employment as a police officer and actual retirement shall be applied only to monthly service retirement payments made following termination of employment as a police officer and actual retirement. Service earned during the period of participation in the DROP shall not be creditable service and shall not be counted in determination of any service retirement allowance or surviving spouse's or dependents' benefits. Compensation paid during the period of participation in the DROP shall not be earnable compensation and shall not be counted in the determination of any service retirement allowance

or surviving spouse's or dependent's benefits. The member's service retirement allowance shall be frozen as of the date the member enters DROP. Except as specifically provided in sections 86.200 to 86.366, the member's frozen service retirement allowance shall not increase while the member is participating in DROP or after the member's participation in DROP ends, and the member shall not share in any benefit improvement that is enacted or that becomes effective while such member is participating in the DROP.

4. A member shall cease participation in the DROP upon the termination of the member's employment as a police officer and actual retirement, or at the end of the five-year period commencing on the first day of the member's participation in the DROP, or as of the effective date, but in no event prior to October 1, 2001, of the member's election to return to active participation in the system, whichever occurs first. A member's election to return to active participation in the system before the end of the five-year period commencing on the first day of participation in the DROP shall be made and shall become effective in accordance with procedures established by the board of trustees, but in no event prior to October 1, 2001. Upon the member's termination of employment as a police officer and actual retirement, the member shall elect to receive the value of the member's DROP account, in one of the following forms of payment:

- (a) A lump sum payment; or
- (b) Equal monthly installments over a ten-year period.

Either form of payment should begin within thirty days after the member's notice to the board of trustees that the member has selected a particular option.

5. If a member who is participating in the DROP elects to return to active participation in the system or if a member who is participating in the DROP does not terminate employment **and actually retires** as a police officer in the city for which the retirement system was established pursuant to sections 86.200 to 86.366 [and actually retires] at the end of the five-year period commencing on the first day of the member's participation in the DROP, the member shall return to active participation in the system and shall resume making mandatory contributions to the system effective as of the day after participation in the DROP ends or, if later, October 1, 2001. The board of trustees shall notify the police commissioners to begin deducting mandatory contributions from the member's salary and the member's employment period shall count as creditable service beginning as of the day the member returns to active participation.

6. In no event shall a member whose participation in DROP has ended for any reason be eligible to participate in DROP again.

7. Upon the member's termination of employment as a police officer and actual retirement, the member's mandatory contributions to the retirement system shall be paid to the member pursuant to subsection 4 of section 86.253.

8. If a member dies prior to termination of employment as a police officer and actual retirement while participating in the DROP or before the member has received full withdrawal of the amount in the member's DROP account under the installment optional payment form, the remaining balance of the member's DROP account shall be payable to the member's surviving spouse; or, if the member is then unmarried, to the member's dependent children in equal shares; or, if none, to the member's dependent mother or father; or, if none, to the member's designated beneficiary or, if no such beneficiary is then living, to the member's estate. Payment shall be made in a lump sum within sixty days after receipt by the board of trustees of evidence and proof of the death of a member. In addition, the member's mandatory contributions, if any, that were not already paid to the member pursuant to subsection 4 of section 86.253 shall be paid to the member's surviving spouse pursuant to section 86.288.

9. If a member [has elected to participate in the DROP and during such participation period] applies for and receives benefits for an accidental disability retirement allowance pursuant to the provisions of section 86.263, the member shall forfeit all rights, claims or interest in the member's DROP account and the member's benefits shall be calculated as if the member has continued in employment and had not elected to participate in the DROP. Any portion of a

DROP account that has been forfeited as provided in this subsection shall be a general asset of the system.

10. A member's DROP account shall earn interest equal to the rate of return earned by the system's investment portfolio on a market value basis, including realized and unrealized gains and losses, net of investment expense, as certified by the system's actuary. As of the last day of each plan year beginning after DROP participation begins, the member's DROP account balance, determined as of the last day of the prior plan year, shall be credited with interest at the investment rate earned by the assets of the retirement system for such prior plan year. If distribution of the member's DROP account balance is made in a lump sum under subsection 4 or 8 of this section, interest for the plan year of distribution shall be credited on the ending balance for the prior plan year at the investment rate earned on the assets of the retirement system for the prior plan year, in proportion to the part of the plan year preceding the date of the member's termination of employment or death, whichever is earlier. If the member's DROP account is paid in equal monthly installments pursuant to subsection 4 of this section, interest during the installment period shall be credited as of the last day of each plan year ending after installment payment begins on the account balance as of the first or last day of the plan year, whichever is lower, at the investment rate earned by the assets of the system for the prior plan year. Interest for the year in which the final installment is paid shall be credited on the balance remaining after the final installment is paid, at the investment rate earned on the assets of the system for the prior plan year, in proportion to the part of the plan year preceding payment of the final installment. Any interest credited to the DROP account during the installment period shall be paid as soon as reasonably possible after the final monthly installment. No interest shall be credited on amounts, if any, added to the member's DROP account during the year in which the distribution of the account is completed.

11. The board of trustees shall not incur any liability individually or on behalf of other individuals for any act or omission, made in good faith in relation to the DROP or assets credited to DROP accounts established by this section. The provisions of the Internal Revenue Code and regulations promulgated thereunder shall supersede any provision of this section if there is any inconsistency with the Internal Revenue Code or regulation.

12. Upon the receipt by the board of trustees of evidence and proof that the death of a member resulted from an event occurring while the member was in the actual performance of duty, and if the member is participating in the DROP, the member's surviving spouse or, if the member is then unmarried, the member's unmarried dependent children, may elect within thirty days after the member's death to have the amount in the member's DROP account paid in the form of a monthly survivor annuity. Payment of the survivor annuity shall begin within sixty days after the election is received. Payment to the member's surviving spouse shall continue until the surviving spouse's death; payment to the member's unmarried dependent children shall be made while any child qualifies as an unmarried dependent child pursuant to section 86.280. The survivor annuity shall be the actuarial equivalent of the member's DROP account as of the date of the member's death. In no event shall the total amount paid pursuant to this subsection be less than the member's DROP account balance as of the date of the member's death.

**86.394. BOARD MEMBERS IN ACTIVE POLICE SERVICE, LEAVE TO ATTEND EDUCATIONAL SEMINARS. — Each member of the retirement board who is in active service with the police department of a city as either a police officer, as defined in section 86.370, or as an employee, as defined in section 86.600, shall be granted authorized leave with pay by such police department to attend any and all educational seminars and like functions that have been authorized by the retirement board, including travel time to and from such functions, not to exceed ten days in any calendar year. Leave granted under this section shall not reduce vacation or other authorized leave time to which such member may be entitled without reference to this section.**

**86.445. INCENTIVES FOR EARLY RETIREMENT, AUTHORITY TO ADMINISTER AND PAY.** — If a city and the police department of such city adopt any program of incentives to authorize or encourage early retirements, whether for employees not yet eligible for regular retirement or for employees who are eligible but have not yet chosen to retire or for both, the retirement board shall be authorized to administer and pay such incentives for retirees who accept such incentives and are members of this retirement system pursuant to sections 86.370 to 86.497, in addition to such other benefits as such members or their beneficiaries are entitled to receive pursuant to sections 86.370 to 86.497 provided such city shall so request and shall agree to increase the city's contribution pursuant to section 86.477 sufficiently to provide the full actuarial cost of any such incentives in addition to the contribution required of such city necessary, in conjunction with members' contributions pursuant to section 86.470, to provide all other benefits provided pursuant to sections 86.370 to 86.497.

**86.676. INCENTIVES FOR EARLY RETIREMENT, BOARD TO ADMINISTER AND PAY.** — If a city and the police department of such city adopt any program of incentives to authorize or encourage early retirements, whether for employees not yet eligible for regular retirement or for employees who are eligible but have not yet chosen to retire or for both, the retirement board shall be authorized to administer and pay such incentives for retirees who accept such incentives and are members of this retirement system pursuant to sections 86.600 to 86.790, in addition to such other benefits as such members or their beneficiaries are entitled to receive pursuant to sections 86.600 to 86.790, provided such city shall so request and shall agree to increase said city's contribution pursuant to section 86.760 sufficiently to provide the full actuarial cost of any such incentives in addition to the contribution required of such city necessary, in conjunction with members' contribution pursuant to section 86.760, to provide all other benefits provided pursuant to sections 86.600 to 86.790.

**86.690. DEATH OF MEMBER PRIOR TO OR FOLLOWING RETIREMENT, PAYMENTS MADE, HOW — ADDITIONAL ONE THOUSAND DOLLAR FUNERAL BENEFIT PAID, WHEN.** — 1. Upon death after August 28, 2001, of a member for any cause prior to retirement, the following amounts shall be payable subject to subsection 5 of this section, as full and final settlement of any and all claims for benefits under this retirement system:

(1) If the member has less than five years of creditable service, the member's surviving spouse shall be paid, in a lump sum, the amount of accumulated contributions and interest. If there be no surviving spouse, payment shall be made to the member's designated beneficiary, or if none, to the executor or administrator of the member's estate.

(2) If the member has at least five, but less than twenty years of creditable service, the member's surviving spouse may elect, in lieu of the lump sum settlement in subdivision (1) of this subsection, an annuity. Such annuity shall be one-half of the member's accrued annuity at date of death as computed in section 86.650. The effective date of the election shall be the latter of the first day of the month after the member's death or attainment of what would have been the member's early retirement date as provided in section 86.660.

(3) If the member has at least twenty years of creditable service, the member's surviving spouse may elect, in lieu of the lump sum settlement in subdivision (1) of this subsection, the larger of the annuity as computed in subdivision (2) of this subsection or an annuity determined on a joint and survivor's basis from the actuarial value of the member's accrued annuity at date of death.

(4) Any death of a retired member occurring before the date of first payment of the retirement annuity shall be deemed to be a death before retirement.

(5) Benefits payable pursuant to this section shall continue for the lifetime of such surviving spouse without regard to remarriage.

(6) No surviving spouse of a member who dies in service after August 28, 2001, shall be entitled to receive any benefits pursuant to sections 86.600 to 86.790 unless such spouse was married to the member at the time of the member's death in service.

2. Upon death following retirement for any cause after August 28, 2001, of a member who has not elected the optional annuity pursuant to section 86.650, the member's surviving spouse shall receive a pension payable for life, equaling one-half of the member's normal retirement allowance, computed under section 86.650, as of the member's actual retirement date, subject to adjustments provided in subsection 5 of section 86.675, if any; provided, no surviving spouse of a member who retires after August 28, 2001, shall be entitled to receive any benefits pursuant to sections 86.600 to 86.790 unless such spouse was married to the member at the time of the member's retirement. Any surviving spouse who was married to such a member at the time of the member's retirement shall be entitled to all benefits for surviving spouses pursuant to sections 86.600 to 86.790 for the life of such surviving spouse without regard to remarriage. If there be no surviving spouse, payment of the member's accumulated contributions less the amount of any prior payments from the retirement system to the member or to any beneficiary of the member shall be made to the member's designated beneficiary or, if none, to the personal representative of the member's estate.

3. Any surviving spouse of a member who dies in service or retired prior to August 28, 2001, who otherwise qualifies for benefits pursuant to subsection 1 or 2 of this section and who has not remarried prior to August 28, 2001, but remarries thereafter, shall upon application to the retirement board be appointed by the retirement board as a special consultant on the problems of retirement, aging and other matters, and upon request of the retirement board shall give opinions in writing or orally in response to such requests, as may be required. For such services, such surviving spouse shall be compensated in an amount equal to the benefits such spouse would have received pursuant to sections 86.600 to 86.790 in the absence of such remarriage.

4. Should the total amount paid from the retirement system to a member, the member's surviving spouse [and], any other beneficiary of the member, **and the funeral benefit under subsection 6 of this section** be less than the member's accumulated contributions, an amount equal to such difference shall be paid to the member's designated beneficiary or, if none, to the personal representative of the member's estate, and such payment shall constitute full and final payment of any and all claims for benefits under the retirement system.

5. Any beneficiary of benefits pursuant to sections 86.600 to 86.790 who becomes the surviving spouse of more than one member shall be paid all benefits due a surviving spouse of that member whose entitlements produce the largest surviving spouse benefits for such beneficiary but shall not be paid surviving spouse benefits as the surviving spouse of more than one member, except that any surviving spouse for whom an election has been made for an optional annuity under subsection 2 of section 86.650 shall be entitled to every annuity for which such surviving spouse has so contracted.

**6. Upon receipt of the proper proof of death of a member in service after August 28, 2003, or the death of a member in service on or after August 28, 2003, who dies after having been retired and pensioned, there shall be paid in addition to all other benefits a funeral benefit of one thousand dollars.**

**104.010. DEFINITIONS.** — 1. The following words and phrases as used in sections 104.010 to 104.800, unless a different meaning is plainly required by the context, shall mean:

(1) "Accumulated contributions", the sum of all deductions for retirement benefit purposes from a member's compensation which shall be credited to the member's individual account and interest allowed thereon;

(2) "Active armed warfare", any declared war, or the Korean or Vietnamese Conflict;

(3) "Actuarial equivalent", a benefit which, when computed upon the basis of actuarial tables and interest, is equal in value to a certain amount or other benefit;

(4) "Actuarial tables", the actuarial tables approved and in use by a board at any given time;

(5) "Actuary", the actuary who is a member of the American Academy of Actuaries or who is an enrolled actuary under the Employee Retirement Income Security Act of 1974 and who is employed by a board at any given time;

(6) "Annuity", annual payments, made in equal monthly installments, to a retired member from funds provided for in, or authorized by, this chapter;

(7) "Average compensation", the average compensation of a member for the thirty-six consecutive months of service prior to retirement when the member's compensation was greatest; or if the member is on workers' compensation leave of absence or a medical leave of absence due to an employee illness, the amount of compensation the member would have received may be used, as reported and verified by the employing department; or if the member had less than thirty-six months of service, the average annual compensation paid to the member during the period up to thirty-six months for which the member received creditable service when the member's compensation was the greatest; or if the member is on military leave, the amount of compensation the member would have received may be used as reported and verified by the employing department or, if such amount is not determinable, the amount of the employee's average rate of compensation during the twelve-month period immediately preceding such period of leave, or if shorter, the period of employment immediately preceding such period of leave;

(8) "Beneficiary", any person entitled to or nominated by a member or retiree who may be legally entitled to receive benefits pursuant to this chapter;

(9) "Biennial assembly", the completion of no less than two years of creditable service or creditable prior service by a member of the general assembly;

(10) "Board of trustees", "board", or "trustees", a board of trustees as established for the applicable system pursuant to this chapter;

(11) "Chapter", sections 104.010 to 104.800;

(12) "Compensation":

(a) All salary and wages payable out of any state, federal, trust, or other funds to an employee for personal services performed for a department; but including only amounts for which contributions have been made in accordance with section 104.436, or section 104.070, whichever is applicable, and excluding any nonrecurring single sum payments or amounts paid after the member's termination of employment unless such amounts paid after such termination are a final installment of salary or wages at the same rate as in effect immediately prior to termination of employment in accordance with a state payroll system adopted on or after January 1, 2000, or any other one-time payments made as a result of such payroll system;

(b) All salary and wages which would have been payable out of any state, federal, trust or other funds to an employee on workers' compensation leave of absence during the period the employee is receiving a weekly workers' compensation benefit, as reported and verified by the employing department;

(c) Effective December 31, 1995, compensation in excess of the limitations set forth in Internal Revenue Code Section 401(a)(17) shall be disregarded. The limitation on compensation for eligible employees shall not be less than the amount which was allowed to be taken into account under the system as in effect on July 1, 1993. For this purpose, an "eligible employee" is an individual who was a member of the system before the first plan year beginning after December 31, 1995;

(13) "Consumer price index", the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as approved by a board, as such index is defined and officially reported by the United States Department of Labor, or its successor agency;

(14) "Creditable prior service", the service of an employee which was either rendered prior to the establishment of a system, or prior to the date the employee last became a member of a system, and which is recognized in determining the member's eligibility and for the amount of the member's benefits under a system;

(15) "Creditable service", the sum of membership service and creditable prior service, to the extent such service is standing to a member's credit as provided in this chapter; except that

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in no case shall more than one day of creditable service or creditable prior service be credited any member for any one calendar day of eligible service credit as provided by law;

(16) "Deferred normal annuity", the annuity payable to any former employee who terminated employment as an employee or otherwise withdrew from service with a vested right to a normal annuity, payable at a future date;

(17) "Department", any department or agency of the executive, legislative or judicial branch of the state of Missouri receiving state appropriations, including allocated funds from the federal government but not including any body corporate or politic unless its employees are eligible for retirement coverage from a system pursuant to this chapter as otherwise provided by law;

(18) "Disability benefits", benefits paid to any employee while totally disabled as provided in this chapter;

(19) "Early retirement age", a member's attainment of fifty-five years of age and the completion of ten or more years of creditable service, except for uniformed members of the water patrol;

(20) "Employee":

(a) Any elective or appointive officer or person employed by the state who is employed, promoted or transferred by a department into a new or existing position and earns a salary or wage in a position normally requiring the performance by the person of duties during not less than one thousand hours per year, including each member of the general assembly but not including any patient or inmate of any state, charitable, penal or correctional institution. Beginning September 1, 2001, the term "year" as used in this subdivision shall mean the twelve-month period beginning on the first day of employment. However, persons who are members of the public school retirement system and who are employed by a state agency other than an institution of higher learning shall be deemed employees for purposes of participating in all insurance programs administered by a board established pursuant to section 104.450. This definition shall not exclude any employee as defined in this subdivision who is covered only under the federal Old Age and Survivors' Insurance Act, as amended. As used in this chapter, the term "employee" shall include:

a. Persons who are currently receiving annuities or other retirement benefits from some other retirement or benefit fund, so long as they are not simultaneously accumulating creditable service in another retirement or benefit system which will be used to determine eligibility for or the amount of a future retirement benefit;

b. Persons who have elected to become or who have been made members of a system pursuant to section 104.342;

(b) Any person who has performed services in the employ of the general assembly or either house thereof, or any employee of any member of the general assembly while acting in the person's official capacity as a member, and whose position does not normally require the person to perform duties during at least one thousand hours per year, with a month of service being any monthly pay period in which the employee was paid for full-time employment for that monthly period;

(c) "Employee" does not include special consultants employed pursuant to section 104.610;

(d) As used in this chapter, the hours governing the definition of employee shall be applied only from August 13, 1988, forward;

(e) The system shall consider a person who is employed in multiple positions simultaneously within a single agency to be working in a single position for purposes of determining whether the person is an employee as defined in this subdivision;

(21) "Employer", a department of the state;

(22) "Executive director", the executive director employed by a board established pursuant to the provisions of this chapter;

(23) "Fiscal year", the period beginning July first in any year and ending June thirtieth the following year;

(24) "Full biennial assembly", the period of time beginning on the first day the general assembly convenes for a first regular session until the last day of the following year;

(25) "Fund", the benefit fund of a system established pursuant to this chapter;

(26) "Interest", interest at such rate as shall be determined and prescribed from time to time by a board;

(27) "Member", as used in sections 104.010 to 104.272 or [104.600] **104.601** to 104.800 shall mean a member of the highways and transportation employees' and highway patrol retirement system without regard to whether or not the member has been retired. "Member", as used in this section and sections 104.312 to 104.800, shall mean a member of the Missouri state employees' retirement system without regard to whether or not the member has been retired;

(28) "Membership service", the service after becoming a member that is recognized in determining a member's eligibility for and the amount of a member's benefits under a system;

(29) "Military service", all active service performed in the United States Army, Air Force, Navy, Marine Corps, Coast Guard, and members of the United States Public Health Service or any women's auxiliary thereof; and service in the Army national guard and Air national guard when engaged in active duty for training, inactive duty training or full-time national guard duty, and service by any other category of persons designated by the President in time of war or emergency;

(30) "Normal annuity", the annuity provided to a member upon retirement at or after the member's normal retirement age;

(31) "Normal retirement age", an employee's attainment of sixty-five years of age and the completion of four years of creditable service or the attainment of age sixty-five years of age and the completion of five years of creditable service by a member who has terminated employment and is entitled to a deferred normal annuity or the member's attainment of age sixty and the completion of fifteen years of creditable service, except that normal retirement age for uniformed members of the highway patrol shall be fifty-five years of age and the completion of four years of creditable service and uniformed employees of the water patrol shall be fifty-five years of age and the completion of four years of creditable service or the attainment of age fifty-five and the completion of five years of creditable service by a member of the water patrol who has terminated employment and is entitled to a deferred normal annuity and members of the general assembly shall be fifty-five years of age and the completion of three full biennial assemblies. Notwithstanding any other provision of law to the contrary, a member of the highways and transportation employees' and highway patrol retirement system or a member of the Missouri state employees' retirement system shall be entitled to retire with a normal annuity and shall be entitled to elect any of the survivor benefit options and shall also be entitled to any other provisions of this chapter that relate to retirement with a normal annuity if the sum of the member's age and creditable service equals eighty years or more and if the member is at least [fifty] **forty-eight** years of age;

(32) "Payroll deduction", deductions made from an employee's compensation;

(33) "Prior service credit", the service of an employee rendered prior to the date the employee became a member which service is recognized in determining the member's eligibility for benefits from a system but not in determining the amount of the member's benefit;

(34) "Reduced annuity", an actuarial equivalent of a normal annuity;

(35) "Retiree", a member who is not an employee and who is receiving an annuity from a system pursuant to this chapter;

(36) "System" or "retirement system", the highways and transportation employees' and highway patrol retirement system, as created by sections 104.010 to 104.270, or sections [104.600] **104.601** to 104.800, or the Missouri state employees' retirement system as created by sections 104.320 to 104.800;

(37) "Uniformed members of the highway patrol", the superintendent, lieutenant colonel, majors, captains, director of radio, lieutenants, sergeants, corporals, and patrolmen of the Missouri state highway patrol who normally appear in uniform;

(38) "Uniformed members of the water patrol", employees of the Missouri state water patrol of the department of public safety who are classified as water patrol officers who have taken the oath of office prescribed by the provisions of chapter 306, RSMo, and who have those peace officer powers given by the provisions of chapter 306, RSMo;

(39) "Vesting service", the sum of a member's prior service credit and creditable service which is recognized in determining the member's eligibility for benefits under the system.

2. Benefits paid pursuant to the provisions of this chapter shall not exceed the limitations of Internal Revenue Code Section 415, the provisions of which are hereby incorporated by reference.

**104.040. MEMBERS TO RECEIVE CREDIT FOR PRIOR SERVICE — MILITARY SERVICE TO BE CONSIDERED — PURCHASE OF CREDIT FOR SERVICE IN THE ARMED FORCES, COST, INTEREST RATE, COMPUTATION — CERTAIN CREDITABLE PRIOR SERVICE, PURCHASE OF, EFFECT — NONFEDERAL PUBLIC EMPLOYMENT, PURCHASE OF CREDIT FOR SERVICE. — 1.** Any member shall be entitled to creditable prior service within the meaning of sections 104.010 to 104.270 for all service in the United States Army, Navy, or other armed services of the United States, or any women's auxiliary thereof in time of active armed warfare, if such member was a state employee immediately prior to his or her entry into the armed services and became an employee of the state within ninety days after termination of such service by an honorable discharge or release to inactive status; the requirement of section 104.010 of duties during not less than one thousand hours for status as an "employee" shall not apply to persons who apply for creditable prior service pursuant to the provisions of this section.

2. Any member of the system who served as an employee prior to the original effective date of sections 104.010 to 104.270, but was not an employee on that date, shall be entitled to creditable prior service that such member would have been entitled to had such member become a member of the retirement system on the date of its inception if such member has, or hereafter attains, one year of continuous membership service.

3. Any employee who completes one continuous year of creditable service in the system shall receive credit for service with a state department, if such service has not otherwise been credited.

4. Any member who had served in the armed forces of the United States prior to becoming a member, or who is otherwise ineligible pursuant to subsection 1 of this section or other provisions of this chapter, and who became a member after his or her discharge under honorable conditions may elect, prior to retirement, to purchase all of his or her creditable prior service equivalent to such service in the armed forces, but not to exceed four years, if the member is not receiving and is not eligible to receive retirement credits or benefits from any other public or private retirement plan for the service to be purchased, and an affidavit so stating shall be filed by the member with the retirement system. However, if the member is eligible to receive retirement credits in a United States military service retirement system, the member shall be permitted to purchase creditable prior service equivalent to his or her service in the armed services, but not to exceed four years, any other provision of law to the contrary notwithstanding. The purchase shall be effected by the member's paying to the retirement system an amount equal to what would have been contributed by the state in his or her behalf had the member been a member for the period for which the member is electing to purchase credit and had his or her compensation during such period of membership been the same as the annual salary rate at which the member was initially employed as a member, with the calculations based on the contribution rate in effect on the date of his or her employment with simple interest calculated from date of employment from which the member could first receive creditable service to the date of election pursuant to this subsection. The payment shall be made over a period of not longer than two years, measured from the date of election, and with simple interest on the unpaid balance. Payments made for such creditable prior service pursuant to this subsection shall be treated by the retirement system as would contributions made by the state and shall not be

subject to any prohibition on member contributions or refund provisions in effect at the time of enactment of this subsection.

5. Any uniformed member of the highway patrol who served as a certified police officer prior to becoming a member may elect, prior to retirement, to purchase all of his or her creditable prior service equivalent to such service in the police force, but not to exceed four years, if he or she is not receiving and is not eligible to receive credits or benefits from any other public or private retirement plan for the service to be purchased, and an affidavit so stating shall be filed by the member with the retirement system. The purchase shall be effected by the member's paying to the retirement system an amount equal to what would have been contributed by the state in his or her behalf had he or she been a member of the system for the period for which the member is electing to purchase credit and had his compensation during such period been the same as the annual salary rate at which the member was initially employed as a member, with the calculations based on the contribution rate in effect on the date of his or her employment with simple interest calculated from the date of employment from which the member could first receive creditable service to the date of election pursuant to the provisions of this section. The payment shall be made over a period of not longer than two years, measured from the date of election, and with simple interest on the unpaid balance. Payments made for such creditable prior service pursuant to the provisions of this section shall be treated by the retirement system as would contributions made by the state and shall not be subject to any prohibition on member contributions or refund provisions in effect at the time of enactment of this section.

6. Any uniformed member of the highway patrol who served as a nonfederal full-time public employee in this state prior to becoming a member may elect, prior to retirement, to purchase all of his or her creditable prior service equivalent to such service, but not to exceed four years, if he or she is not receiving and is not eligible to receive credits or benefits from any other public plan for the service to be purchased, and an affidavit so stating shall be filed by the member with the retirement system. The purchase shall be effected by the member's paying to the retirement system an amount equal to what would have been contributed by the state in his or her behalf had he or she been a member of the system for the period for which the member is electing to purchase credit and had his compensation during such period been the same as the annual salary rate at which the member was initially employed as a member, with the calculations based on the contribution rate in effect on the date of his or her employment with simple interest calculated from the date of employment from which the member could first receive creditable service to the date of election pursuant to the provisions of this section. The payment shall be made over a period of not longer than two years, measured from the date of election, and with simple interest on the unpaid balance. Payments made for such creditable prior service pursuant to the provisions of this section shall be treated by the retirement system as would contributions made by the state and shall not be subject to any prohibition on member contributions or refund provisions in effect at the time of enactment of this section.

**104.110. DISABILITY BENEFITS, WHO ENTITLED, HOW CALCULATED, TERMINATED WHEN — MEDICAL EXAMINATION REQUIRED, WHEN — PROOF OF APPLICATION FOR SOCIAL SECURITY BENEFITS — DEATH BENEFIT, NOT PAYABLE, WHEN — BOARD TO ESTABLISH DEFINITIONS — ANNUITY BENEFITS, ACCRUAL, ELECTION — DEATH BENEFIT, ELIGIBILITY, WHEN. —** 1. Any employee, regardless of the length of time of creditable service, who is affirmatively found by the board to be wholly incapable of performing the duties of the employee's or any other position in the employee's department for which the employee is suited, shall be entitled to receive disability benefits. The disability benefit provided by this subsection shall equal one and six-tenths percent of the employee's average compensation multiplied by the number of years of creditable service of the member. **Effective September 1, 2003, no**

**employee is eligible for or shall request or apply for the disability benefit provided pursuant to this subsection.**

2. Any uniformed member of the highway patrol, highway patrol employee or department of transportation employee, regardless of the length of time of creditable service, who is found by the board to be disabled as a result of injuries incurred in the performance of the employee's duties, shall be entitled to receive an initial disability benefit in an amount equal to seventy percent of the compensation that the employee was receiving on the date preceding the date of disability; provided, however, that the amount of the disability benefit, plus any primary Social Security disability benefits received by such member shall not exceed ninety percent of the monthly compensation such member was receiving on the date preceding the date of disability.

3. Any disability benefits payable pursuant to this section shall be decreased by any amount paid to such member for periodic disability benefits by reason of the workers' compensation laws of this state. After termination of payment under workers' compensation, however, disability benefits shall be paid in the amount required by subsections 1, 2, 7, and 9 of this section.

4. The board of trustees may require a medical examination of a disabled member at any time by a designated physician, and benefits shall be discontinued if the board finds that such member is able to perform the duties of the member's former position or if such member refuses to submit to a medical examination. Any employee who applies for disability benefits provided pursuant to this section shall provide medical certification acceptable to the board which shall include the date the disability commenced and the expected duration of the disability.

5. Any employee who applies for disability benefits pursuant to subsections 2 and 7 of this section shall provide proof of application for Social Security disability benefits. If Social Security disability benefits are denied, the employee shall also provide proof that the employee has requested reconsideration, and upon denial of the reconsideration, that an appeal process is prosecuted.

6. The disability benefits provided in this section shall not be paid to any member who retains or regains earning capacity as determined by the board. If a member who has been receiving disability benefits again becomes an employee, the member's disability benefits shall be discontinued.

7. The board shall also provide or contract for long-term disability benefits for those members whose disability exists or is diagnosed as being of such nature as to exist for more than one year. The benefits provided or contracted for pursuant to this subsection shall be in lieu of any other benefit provided in this section. The eligibility requirements, benefit period and amount of the disability benefits provided pursuant to this subsection shall be established by the board.

8. Definitions of disability and other rules and procedures necessary for administration of the disability benefits provided pursuant to this section shall be established by the board.

9. Any member receiving disability benefits pursuant to subsections 1 and 2 of this section shall receive the same cost-of-living increases as granted to retired members pursuant to section [104.130] **104.103**.

10. The state highways and transportation commission shall contribute the same amount as provided for all state employees for any person receiving disability benefits pursuant to subsection 2 of this section for medical insurance provided pursuant to section 104.270.

11. Any member who qualified for disability benefits pursuant to subsection 2 or subsection 7 of this section shall continue to accrue normal annuity benefits based on the member's rate of pay immediately prior to the date the member became disabled in accordance with sections 104.090 and 104.615 as in effect on the earlier of the date the member reaches normal retirement age or the date normal annuity payments commence.

12. A member who continues to be disabled as provided in subsection 2 or subsection 7 of this section shall continue to accrue creditable service until the member reaches normal retirement age. The maximum benefits period for benefits pursuant to subsections 2 and 7 of this section shall be established by the board. A member who is eligible to retire and does retire

while receiving disability benefits pursuant to subsections 2 and 7 of this section shall receive the greater of the normal annuity or the minimum annuity determined pursuant to sections 104.090 and 104.615, as if the member had continued in the active employ of the employer until the member's normal retirement age and the member's compensation for such period had been the member's rate of pay immediately preceding the date the member became disabled.

13. Any member who was receiving disability benefits from the board prior to August 28, 1997, or any member who has submitted an application for disability benefits before August 28, 1997, and would have been eligible to receive benefits pursuant to the eligibility requirements which were applicable at the time of application shall be eligible to receive or shall continue to receive benefits in accordance with such prior eligibility requirements until the member again becomes an employee.

14. Any member receiving disability benefits pursuant to subsection 1, subsection 2 or subsection 7 of this section shall be eligible to receive death benefits pursuant to the provisions of subsection 1 of section 104.140. The death benefits provided pursuant to this subsection shall be in lieu of the death benefits available to the member pursuant to subsection 2 of section 104.140.

15. The board is authorized to contract for **benefits in lieu of** the benefits provided pursuant to [subsections 1 and 2 of] this section.

**16. To the extent that the board enters or has entered into any contract with any insurer or service organization to provide the disability benefits provided for pursuant to this section:**

**(1) The obligation to provide such disability benefits shall be primarily that of the insurer or service organization and secondarily that of the board;**

**(2) Any employee who has been denied disability benefits by the insurer or service organization and has exhausted all appeal procedures provided by the insurer or service organization may appeal such decision by filing a petition against the insurer or service organization in a court of law in the employee's county of residence; and**

**(3) The board and the system shall not be liable for the disability benefits provided by an insurer or service organization pursuant to this section and shall not be subject to any cause of action with regard to disability benefits or the denial of disability benefits by the insurer or service organization unless the employee has obtained judgment against the insurer or service organization for disability benefits and the insurer or service organization is unable to satisfy that judgment.**

**17. An employee may elect to waive the receipt of any disability benefit provided for pursuant to this section at any time.**

**104.271. RETIREMENT AGE, CERTAIN EMPLOYEES — "EIGHTY AND OUT".** — Notwithstanding any other provision of law to the contrary, a member of the Missouri transportation department and highway patrol retirement system or a member of the Missouri state employees' retirement system shall be entitled to retire with a normal annuity and shall be entitled to elect any of the survivor benefit options and shall also be entitled to any other provisions of this chapter that relate to retirement with a normal annuity if the sum of the member's age and creditable service equals eighty years or more and if the member is at least [fifty] **forty-eight** years of age.

**104.340. CREDITABLE PRIOR SERVICE AND PRIOR SERVICE CREDITS — WHAT IS INCLUDED — SPECIAL CONSULTANTS, REQUIREMENTS, COMPENSATION.** — 1. Any member, on the first day of the first month following the original effective date of sections 104.310 to 104.540, September 1, 1957, shall be entitled to creditable prior service for the purpose of sections 104.310 to 104.620 for all active military service performed in the United States Army, Air Force, Navy, Marine Corps, Coast Guard and members of the United States Public Health Service when in the active military service, or any women's auxiliary thereof in time of active

armed warfare, if such member was a state employee immediately prior to the member's entry into the armed services and became an employee of the state within ninety days after termination of such service under honorable conditions or release to inactive status in a reserve component of the armed forces. This includes:

(1) Members of the reserve component of the armed forces (National Guard of the United States, United States Army Reserve, Air National Guard of the United States, United States Air Force Reserve, United States Naval Reserve, United States Marine Corps Reserve, United States Coast Guard);

(2) Reserve components existing prior and subsequent to the original effective date of sections 104.310 to 104.540; and

(3) The reserve of the United States Public Health Service, while in the active military service of the United States.

2. Any former full-time employee of a state board, whether unassigned or assigned to the governor, who becomes a member within one year of termination of employment with the board, shall be entitled to creditable prior service not to exceed eight years for service rendered, provided the member had not become vested in a city or county retirement system and has or attains one or more years of continuous service.

3. Notwithstanding any other provision of law to the contrary, any employee of a political subdivision who becomes a state employee, or gains eligibility to become a member, by an act, or acts, of the general assembly after August 13, 1986, making such employment state employment shall be entitled only to prior service credit for such employment with a political subdivision. Such prior service credit, which cannot exceed eight years, shall be used in the determination of eligibility for benefits pursuant to the provisions of sections 104.310 to 104.612 but not in determining the amount of benefits, if the person makes application to the board for such prior service credit within ninety days of becoming a member of the Missouri state employees' retirement system, and establishes such service to the satisfaction of the board; except that such prior service credit shall not be used for the purposes of computing the minimum benefit provided by section 104.615.

4. Any member who had performed active service in the United States Army, Air Force, Navy, Marine Corps, Army or Air National Guard, Coast Guard, or any reserve component thereof prior to **last** becoming a member, or who is otherwise ineligible under subsection 1 of this section or other provisions of this chapter, and who became a member after the person's discharge under honorable conditions may elect, prior to retirement, to purchase all of the member's creditable prior service equivalent to such service in the armed forces, but not to exceed four years, provided the person is not receiving and is not eligible to receive retirement credits or benefits from any other public or private retirement plan for the service to be purchased[, and an affidavit so stating shall be filed by the member with the retirement system]. However, if the member is eligible to receive retirement credits in a United States military service retirement system, the member shall be permitted to purchase creditable prior service equivalent to such service in the armed forces, but not to exceed four years, any other provision of law to the contrary notwithstanding. The purchase shall be effected by the member's submission of appropriate documentation verifying the member's dates of active service and by paying to the retirement system an amount equal to what would have been contributed by the state in the member's behalf had the member been a member for the period for which the member is electing to purchase credit and had the member's compensation during such period of membership been the same as the annual salary rate at which the member was initially employed by a department, with the calculations based on the contribution rate in effect on the date of employment with simple interest calculated from the date of employment from which the member could first receive creditable service to the date of election under this subsection. The payment shall be made over a period of not longer than two years, measured from the date of election, and with simple interest on the unpaid balance. Payments made for such creditable prior service under this subsection shall be treated by the retirement system as would contributions made by the state

and shall not be subject to any prohibition on member contributions or refund provisions in effect at the time of enactment of this subsection.

5. Any member who terminated employment prior to August 13, 1986, who had served in the armed forces of the United States prior to becoming a member, or who is otherwise ineligible pursuant to subsection 1 of this section or other provisions of this chapter, and who became a member after the person's discharge under honorable conditions shall, upon application to the board of trustees of the Missouri state employees' retirement system, be made, constituted and appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters for the remainder of the person's life. Upon request of the board of the system or the court from which the person retired, the consultant shall give opinions or be available to give opinions in writing or orally in response to such requests. As compensation for such services, the consultant shall be eligible to purchase, prior to retirement, creditable prior service as provided in this subsection.

6. Any member who is an employee on or after June 30, 1988, shall be entitled to creditable prior service for all full-time service rendered at Lincoln University prior to June 30, 1988, if such service is established to the satisfaction of the board, provided such member elects in writing to forfeit all rights accrued under the Lincoln University retirement plan for such service, and provided such service is not now credited the member under the Missouri state employees' retirement system.

7. Any person who is an employee on or after August 28, 1989, and who has been denied credit for any service because the person was a member of some other retirement system or benefit fund to which the state was a contributor shall receive creditable prior service for all the service rendered which would have otherwise been earned during such period of service by the person except for the denial of credit; however, in no event shall any person receive service credit for the same period of service under more than one retirement system.

8. Upon application to the board, any member or former member not yet retired previously employed by the Missouri institute of psychiatry prior to July 1, 1974, and who by virtue of such employment was a member of a retirement system or plan other than the Missouri state employees' retirement system but did not become vested in that system or plan shall receive creditable prior service for such service, provided that such service is not used for the calculation of benefits under any other retirement system or plan, excluding Social Security, and that such service is established to the satisfaction of the board.

9. Any retired member previously employed by the Missouri institute of psychiatry prior to July 1, 1974, and who by virtue of such employment was a member of a retirement system or plan other than the Missouri state employees' retirement system but did not become vested in that system or plan may make application to be made, constituted, appointed, and employed by the board as a special consultant on the problems of retirement, aging and other state matters. As compensation the special consultant shall receive beginning the month next following such appointment an amount equal to the retirement benefit the member would have been receiving had such service been included in the original retirement benefit calculation, provided that such service is not used for the calculation of benefits under any other retirement system or plan, excluding Social Security, and that such service is established to the satisfaction of the board.

10. Notwithstanding any other provisions of law to the contrary, if a former employee terminated employment before January 1, 1988, and such former employee had also served as a board member pursuant to the provisions of section 329.190, RSMo, such former employee shall upon application to the board of trustees of the Missouri state employees' retirement system be made a special consultant on the problems of retirement and shall upon request of the board of trustees give opinions in writing or orally in response to such request. As compensation for such services, the former employee shall receive creditable service for all time the former employee was employed by the state and the time the former employee served on the board pursuant to the provisions of section 329.190, RSMo, provided that such service is not used for vesting in any other public employee retirement system.

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**104.370. GENERAL ASSEMBLY MEMBERS ENTITLED TO NORMAL ANNUITY, REQUIREMENTS, LIMITATION — ELECTION TO STATE OFFICE, EFFECT — CERTAIN MEMBERS ENTITLED TO CREDITABLE PRIOR SERVICE — FORMER MEMBERS AS SPECIAL CONSULTANTS, COMPENSATION — ELECTED COUNTY OFFICIALS, PRIOR SERVICE.** — 1. Any member of the general assembly who has served at least three full biennial assemblies as a member of the general assembly and who meets the conditions for retirement at or after the member's normal retirement age shall be entitled to a normal annuity in a monthly amount equal to one hundred fifty dollars multiplied by the number of biennial assemblies in which such member has served. For the purpose of calculating benefits due under this subsection:

(1) Service in any portion of a biennial assembly after service in at least three biennial assemblies shall be credited as service in a full biennial assembly; and

(2) Any person who is elected as a member of the general assembly at a special election and who serves the remainder of that term to which he was elected at such special election shall receive credit for a full biennial assembly for such service.

2. If a member of either retirement system established by this chapter, who has served at least three full biennial assemblies as a member of the general assembly, is elected to a state office, appointed to a state office, or employed by the state before, after, or before and after his service as a member of the general assembly, the member may, at the end of such employment, receive upon retirement, at or after the member's normal retirement age, the amount which shall be due the member for creditable service as a member of the general assembly. If he has not fully vested as a result of his employment as other than a member of the general assembly, he shall be credited with additional service as a legislator just as though all of the service combined had in fact been rendered as a member of the general assembly and receive a normal annuity. If the member retires before normal retirement age, the member shall receive the actuarial reduction approved by the board. Nothing in this section shall allow any member to simultaneously accumulate service in more than one state retirement system as a member of the general assembly and an employee or state officer; **provided that, any member who otherwise would accrue simultaneous creditable service as a member of the general assembly and as an employee or state officer, may elect prior to retirement to receive such simultaneous creditable service in the state retirement plan that covered the member's service as an employee or state officer in lieu of receiving such creditable service as a member of the general assembly pursuant to subdivision (1) of subsection 1 of this section. Any member who makes such election shall receive creditable service for the member's remaining legislative service equal to the pro rata portion of the biennial assembly actually served by such member. The provisions of this subsection providing an election with regard to simultaneous creditable service shall apply to any member of the general assembly who is employed on or after August 28, 2003, or any former member of the general assembly who is employed as an employee or state officer on or after August 28, 2003. The term "state officer" as used in this subsection includes a statewide elected official as described in section 104.371, an administrative law judge or legal advisor as defined in section 287.812, RSMo, or a judge as defined in section 476.515, RSMo.**

3. A member who has fully vested as a state officer or employee and has service as a member of the general assembly of less than three full biennial assemblies, upon retirement, at or after the member's normal retirement age, shall be credited with additional service as a state officer or employee for the time he served as a member of the general assembly. If the member retires before normal retirement age, he shall receive the actuarial reduction approved by the board.

4. Any member of the general assembly who has served at least three full biennial assemblies and whose service as such terminates on or after October 1, 1984, and who served as an employee, as that term is defined in section 104.010, prior to the respective dates on which the retirement systems to which such sections apply originally became effective, but was not such an employee on such dates, shall be entitled to the creditable prior service that such employee

would have been entitled to in either or both systems had such employee become a member on the date of inception of either or both systems. The maximum number of years of creditable prior service to which a member may become entitled pursuant to this section is less than ten years. The benefits attributable to such service shall be calculated as if all service was rendered as a member of the general assembly.

5. Any former member of the general assembly who is receiving benefits under the provisions of this section shall, upon written request to the board, be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement and other related matters and shall upon request of the board give opinions in writing or orally in response to such requests. As compensation for such services, the retired member shall have his retirement benefits recalculated the first of the month next following his application under this subsection to reflect that any portion of a year of creditable service shall be counted as one full biennial session.

6. Any retired member who is receiving benefits from the system and is elected to the general assembly but does not serve at least three biennial sessions shall receive creditable service for the time he served in the general assembly and upon leaving the general assembly shall have an additional benefit calculated using such service.

7. Benefits paid for service credited to legislative service shall be funded as provided in section 104.436.

8. Any former member of the general assembly not retired on August 28, 1994, who is fifty-five years of age or more and who has creditable service in the general assembly of at least three full biennial assemblies and has not used such services as creditable services in any other retirement system shall be made and employed by the board as a special consultant on the problems related to retirement and shall, when requested by the board, give opinions either written or orally on such problems. As compensation for such duties the former member of the general assembly shall be entitled to retire with a normal annuity effective the first of the month following receipt by the board of a written application.

9. Notwithstanding any other law to the contrary, any active member of the Missouri state employees' retirement system who is vested, on August 28, 1994, under the provisions of subsection 1 of this section, and who has served as an elected county official and who, by virtue of such service was a member of a retirement system other than the Missouri state employees' retirement system but was not vested in such other retirement system, or was not a member of any retirement system, shall receive creditable prior service in the Missouri state employees' retirement system for such previous service as an elected county official.

**104.460. BOARD OFFICER, SELECTION, TERMS — ELECTED MEMBERS CAMPAIGN DISCLOSURE PROCEDURE, PENALTY — EXECUTIVE DIRECTOR AND STAFF, APPOINTMENT, SALARIES, EXPENSES — SERVICE OF PROCESS TO BE SERVED ON DIRECTOR OR DIRECTOR'S DESIGNEE.** — 1. The board shall elect by secret ballot one member as chairman and one member as vice chairman [in January] **during the first board meeting** of each year. The chairman shall preside over meetings of the board and perform such other duties as may be required by action of the board. The vice chairman shall perform the duties of the chairman in the absence of the latter or upon the chairman's inability or refusal to act. Each person who was elected to membership on the board of trustees or who is a candidate for membership on the board of trustees shall file with the [commissioner of administration] **Missouri ethics commission** a campaign finance disclosure form showing:

(1) The amounts and sources of all contributions received for the purpose of supporting such person's candidacy or for the purpose of opposing any other candidate; and

(2) The amounts and recipients of all expenditures made for the purpose of supporting such person's candidacy or for the purpose of opposing any other candidate.

The disclosure reports shall be filed not later than the fifteenth day prior to the date of the election for the period closing on the twentieth day prior to the election, and not later than the thirtieth day

after the date of the election for the period from the nineteenth day prior to the date of the election to the twenty-fifth day after the date of the election. Such reports shall be public records and shall be made available by the [commissioner of administration] **Missouri ethics commission** during normal business hours. Any person who purposefully fails or refuses to file the reports required by this subsection is guilty of a class A misdemeanor.

2. The board shall appoint an executive director who shall be the executive officer of the system and who shall have charge of the offices, records, and employees of the system, subject to the direction of the board. Other employees of the system shall be chosen only upon the recommendation of the executive director.

3. All employees of the system shall be both state employees and members of the system. Except by the unanimous vote of the board, no person who has served as a trustee of the board may become an employee of the system until four years have expired between the date of his or her resignation, termination, or other removal as trustee and the date of his or her appointment as an employee of the system.

4. Employees of the system shall receive such salaries as shall be fixed by the board and their necessary travel expense within and without the state as shall be authorized by the board.

5. Any summons or other writ issued by the courts of the state shall be served upon the executive director or, in his or her absence, on the executive director's designee.

**104.517. LIFE INSURANCE BENEFITS, EMPLOYEES COVERED — CERTAIN DEPARTMENTS AND HIGHWAY PATROL MAY ELECT COVERAGE — AMOUNT — ADDITIONAL INSURANCE BY PAYROLL DEDUCTIONS, MAXIMUM — RETENTION OF COVERAGE ON RETIREMENT, COST DEDUCTED FROM RETIREMENT BENEFITS — DEATH BENEFITS FOR SPECIAL CONSULTANTS.**

— 1. The board shall provide or contract, or both, for life insurance benefits for employees pursuant to sections 104.320 to 104.540, persons covered by sections 287.812 to 287.855, RSMo, and for employees who are members of the judicial retirement system as provided in section 476.590, RSMo, and at the election of the state highways and transportation commission shall include employees who are members of the state transportation department employees' and highway patrol retirement system [as follows:

(1)]. Employees are entitled to fifteen thousand dollars of life insurance until December 31, 2000. Effective January 1, 2001, the system shall provide or contract or both for basic life insurance for employees covered under any retirement plan administered by the system pursuant to this chapter, persons covered by sections 287.812 to 287.856, RSMo, for employees who are members of the judicial retirement system as provided in section 476.590, RSMo, and, at the election of the state highways and transportation commission, employees who are members of the highways and transportation employees' and highway patrol retirement system, in an amount equal to one times annual pay, subject to a minimum amount of fifteen thousand dollars. The board shall establish by rule or contract the method for determining the annual rate of pay and any other terms of such insurance as it deems necessary to implement the requirements pursuant to this section. Annual rate of pay shall not include overtime or any other irregular payments as determined by the board. Such life insurance shall provide for triple indemnity in the event the cause of death is a proximate result of a personal injury or disease arising out of and in the course of actual performance of duty as an employee.

2. A conversion of such life insurance benefits shall be available. However, a member eligible to receive a lump sum death benefit as provided in subsection 4 of section 104.515 shall be entitled to convert any amount of terminated life insurance benefit in excess of the benefit provided in said section.

3. (1) In addition to the life insurance authorized by the provisions of subsection 1 of this section, any person for whom life insurance is provided or contracted for pursuant to such subsection may purchase, at the person's own expense and only if monthly voluntary payroll deductions are authorized, additional life insurance at a cost to be stipulated in a contract with a private insurance company or as may be required by the system if the board of trustees

determines that the system should provide such insurance itself. The maximum amount of additional life insurance which may be so purchased on or after January 1, 1998, **but prior to January 1, 2004**, is that amount which equals six times the amount of the person's annual rate of pay, except that if such maximum amount is not evenly divisible by one thousand dollars, then the maximum amount of additional insurance which may be purchased is the next higher amount evenly divisible by one thousand dollars. **The maximum amount of additional life insurance which may be so purchased on or after January 1, 2004, is an amount to be stipulated in a contract with a private insurance company or as may be required by the system if the board of trustees determines that the system should provide the insurance itself.** The selection of a private insurance company to provide this life insurance shall be on the basis of competitive bidding.

(2) Any person defined in subdivision (1) of this subsection retiring on or after September 1, 1988, may retain an amount not to exceed ten thousand dollars of life insurance following the date of his or her retirement if such person makes written application for such life insurance at the same time such person's application is made to the board for retirement benefits. Any person, defined in subdivision (1) of this subsection, retiring on or after May 1, 1996, may retain an amount not to exceed sixty thousand dollars of life insurance following the date of the person's retirement if such person makes written application for such life insurance at the same time such person applies to the board for retirement benefits. Such life insurance shall only be provided if such person pays the entire cost of the insurance, as determined by the board, by allowing voluntary deductions from the member's monthly retirement benefits.

(3) Effective January 1, 1998, in addition to the life insurance authorized in subsection 1 of this section, any person for whom life insurance is provided or contracted for pursuant to such subsection may purchase, at the person's own expense and only if monthly voluntary payroll deductions are authorized, life insurance covering the person's children or the person's spouse or both the person's children and the person's spouse at coverage amounts to be determined by the board at a cost to be stipulated in a contract with a private insurance company or as may be required by the system if the board of trustees determines that the system should provide such insurance itself.

4. The highways and transportation employees' and highway patrol retirement system shall provide or contract or both for the death benefit for special consultants in subsection 4 of section 104.515. The highways and transportation employees' and highway patrol retirement system may request the state highways and transportation commission to administer the death benefit. If the state highways and transportation commission accepts the obligation to administer the death benefit, the highways and transportation employees' and highway patrol retirement system shall reimburse the state highways and transportation commission for any costs or expenses of administering the death benefit.

**5. To the extent that the board enters or has entered into any contract with any insurer or service organization to provide life insurance provided for pursuant to this section:**

**(1) The obligation to provide such life insurance shall be primarily that of the insurer or service organization and secondarily that of the board;**

**(2) Any member who has been denied life insurance benefits by the insurer or service organization and has exhausted all appeal procedures provided by the insurer or service organization may appeal such decision by filing a petition against the insurer or service organization in a court of law in the member's county of residence; and**

**(3) The board and the system shall not be liable for life insurance benefits provided by an insurer or service organization pursuant to this section and shall not be subject to any cause of action with regard to life insurance benefits or the denial of life insurance benefits by the insurer or service organization unless the member has obtained judgment against the insurer or service organization for life insurance benefits and the insurer or service organization is unable to satisfy that judgment.**

**104.806. CERTAIN EMPLOYEES, TRANSFERRED TO MODOT, NOT TO BECOME MEMBERS OF MODOT RETIREMENT SYSTEM UNLESS ELECT TO, PROCEDURE. — 1.** Employees who are earning creditable service in the closed plan of the Missouri state employees' retirement system and who are transferred to the department of transportation as a result of the provisions of executive order 03-05, will not become members of the closed plan of the highways and transportation employees' and highway patrol retirement system unless they elect to transfer membership and creditable service to the closed plan of the highways and transportation employees' and highway patrol retirement system. The election must be in writing and must be made within ninety days of July 1, 2003. Any election to transfer membership and creditable service to the highways and transportation employees' and highway patrol retirement system shall result in the forfeiture of any rights or benefits in the Missouri state employees' retirement system. Any failure to elect to transfer membership and creditable service pursuant to this subsection will result in the employees remaining in the closed plan of the Missouri state employees' retirement system. If an election is made, the effective date for commencement of membership and transfer of such creditable service shall be January 1, 2004.

**2.** Employees who are earning credited service in the year 2000 plan of the Missouri state employees' retirement system and who are transferred to the department of transportation as a result of the provisions of executive order 03-05 will remain in the year 2000 plan administered by the Missouri state employees' retirement system unless they elect to transfer membership and credited service to the year 2000 plan administered by the highways and transportation employees' and highway patrol retirement system. The election must be in writing and must be made within ninety days of July 1, 2003. Any election to transfer membership and credited service to the year 2000 plan administered by the highways and transportation employees' and highway patrol retirement system shall result in the forfeiture of any rights or benefits in the Missouri state employees' retirement system. Any failure to elect to transfer membership and credited service pursuant to this subsection will result in the employees remaining in the year 2000 plan administered by the Missouri state employees' retirement system. If an election is made, the effective date for commencement of membership and transfer of such creditable service shall be January 1, 2004.

**3.** For any employee who elects pursuant to subsection 1 or 2 of this section to transfer to the highways and transportation employees' and highway patrol retirement system, the Missouri state employees' retirement system shall pay to the highways and transportation employees' and highway patrol retirement system, by December 31, 2003, an amount actuarially determined to equal the liability at the time of the transfer to the extent that liability is funded as of the most recent actuarial valuation, not to exceed one hundred percent.

**4.** In no event shall any employee receive service credit for the same period of service under more than one retirement system as a result of the provisions of this section.

**5.** For any transferred employee who elects pursuant to subsection 1 or 2 of this section to transfer to the highways and transportation employees' and highway patrol retirement system, the only medical coverage available for the employee shall be the medical coverage provided in section 104.270. The effective date for commencement of medical coverage shall be January 1, 2004. However, this does not preclude medical coverage for the transferred employee as a dependent under any other health care plan.

**104.1003. DEFINITIONS. —** Unless a different meaning is plainly required by the context, the following words and phrases as used in sections 104.1003 to 104.1093 shall mean:

- (1) "Act", the "Year 2000 Plan" created by sections 104.1003 to 104.1093;

(2) "Actuary", an actuary who is experienced in retirement plan financing and who is either a member of the American Academy of Actuaries or an enrolled actuary under the Employee Retirement Income Security Act of 1974;

(3) "Annuity", annual benefit amounts, paid in equal monthly installments, from funds provided for in, or authorized by, sections 104.1003 to 104.1093;

(4) "Annuity starting date" means the first day of the first month with respect to which an amount is paid as an annuity pursuant to sections 104.1003 to 104.1093;

(5) "Beneficiary", any person or entity entitled to receive an annuity or other benefit pursuant to sections 104.1003 to 104.1093 based upon the employment record of another person;

(6) "Board of trustees", "board", or "trustees", a governing body or bodies established for the year 2000 plan pursuant to sections 104.1003 to 104.1093;

(7) "Closed plan", a benefit plan created pursuant to this chapter and administered by a system prior to July 1, 2000. No person first employed on or after July 1, 2000, shall become a member of the closed plan, but the closed plan shall continue to function for the benefit of persons covered by and remaining in the closed plan and their beneficiaries;

(8) "Consumer price index", the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as approved by the board, as such index is defined and officially reported by the United States Department of Labor, or its successor agency;

(9) "Credited service", the total credited service to a member's credit as provided in sections 104.1003 to 104.1093;

(10) "Department", any department or agency of the executive, legislative, or judicial branch of the state of Missouri receiving state appropriations, including allocated funds from the federal government but not including any body corporate or politic unless its employees are eligible for retirement coverage from a system pursuant to this chapter as otherwise provided by law;

(11) "Early retirement eligibility", a member's attainment of fifty-seven years of age and the completion of at least five years of credited service;

(12) "Effective date", July 1, 2000;

(13) "Employee" shall be any person who is employed by a department and is paid a salary or wage by a department in a position normally requiring the performance of duties of not less than one thousand hours per year, provided:

(a) The term "employee" shall not include any patient or inmate of any state, charitable, penal or correctional institution, or any person who is employed by a department in a position that is covered by a state-sponsored defined benefit retirement plan not created by this chapter;

(b) The term "employee" shall be modified as provided by other provisions of sections 104.1003 to 104.1093;

(c) The system shall consider a person who is employed in multiple positions simultaneously within a single agency to be working in a single position for purposes of determining whether the person is an employee as defined in this subdivision;

(d) Beginning September 1, 2001, the term "year" as used in this subdivision shall mean the twelve-month period beginning on the first day of employment;

(14) "Employer", a department;

(15) "Executive director", the executive director employed by a board established pursuant to the provisions of sections 104.1003 to 104.1093;

(16) "Final average pay", the average pay of a member for the thirty-six full consecutive months of service before termination of employment when the member's pay was greatest; or if the member was on workers' compensation leave of absence or a medical leave of absence due to an employee illness, the amount of pay the member would have received but for such leave of absence as reported and verified by the employing department; or if the member was employed for less than thirty-six months, the average monthly pay of a member during the period for which the member was employed;

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(17) "Fund", a fund of the year 2000 plan established pursuant to sections 104.1003 to 104.1093;

(18) "Investment return", **or** "interest", rates as shall be determined and prescribed from time to time by a board;

(19) "Member", a person who is included in the membership of the system, as set forth in section 104.1009;

(20) "Normal retirement eligibility", a member's attainment of at least sixty-two years of age and the completion of at least five or more years of credited service or, the attainment of at least [fifty] **forty-eight** years of age with a total of years of age and years of credited service which is at least eighty or, in the case of a member of the highway patrol who shall be subject to the mandatory retirement provisions of section 104.080, the mandatory retirement age and completion of five years of credited service or, the attainment of at least [fifty] **forty-eight** years of age with a total of years of age and years of credited service which is at least eighty;

(21) "Pay" shall include:

(a) All salary and wages payable to an employee for personal services performed for a department; but excluding:

a. Any amounts paid after an employee's employment is terminated, unless the payment is made as a final installment of salary or wages at the same rate as in effect immediately prior to termination of employment in accordance with a state payroll system adopted on or after January 1, 2000;

b. Any amounts paid upon termination of employment for unused annual leave or unused sick leave;

c. Pay in excess of the limitations set forth in Section 401(a)(17) of the Internal Revenue Code of 1986 as amended and other applicable federal laws or regulations; and

d. Any nonrecurring single sum payments;

(b) All salary and wages which would have been payable to an employee on workers' compensation leave of absence during the period the employee is receiving a weekly workers' compensation benefit, as reported and verified by the employing department;

(c) All salary and wages which would have been payable to an employee on a medical leave due to employee illness, as reported and verified by the employing department;

(d) For purposes of members of the general assembly, pay shall be the annual salary provided to each senator and representative pursuant to section 21.140, RSMo, plus any salary adjustment pursuant to section 21.140, RSMo;

(22) "Retiree", a person receiving an annuity from the year 2000 plan based upon the person's employment record;

(23) "State", the state of Missouri;

(24) "System" or "retirement system", the Missouri state employees' retirement system or the transportation department and highway patrol retirement system, as the case may be;

(25) "Vested former member", a person entitled to receive a deferred annuity pursuant to section 104.1036;

(26) "Year 2000 plan", the benefit plan created by sections 104.1003 to 104.1093.

**104.1021. CREDITED SERVICE DETERMINED BY BOARD — CALCULATION.** — 1. The appropriate board shall determine how much credited service shall be given each member consistent with this section.

2. If a member terminates employment and is eligible to receive an annuity pursuant to the year 2000 plan, or becomes a vested former member at the time of termination, the member's or former member's unused sick leave as reported through the financial and human resources system maintained by the office of administration, or if a department's employees are not paid salaries or wages through such system, as reported directly by the department, for which the member has not been paid will be converted to credited service at the time of application for retirement benefits. The member shall receive one-twelfth of a year of credited service for each

one hundred and sixty-eight hours of such unused sick leave. The employing department shall not certify unused sick leave unless such unused sick leave could have been used by the member for sickness or injury. The rate of accrual of sick leave for purposes of computing years of service pursuant to this section shall be no greater than ten hours per month. Such credited service shall not be used in determining the member's eligibility for retirement or final average pay. Such credited service shall be added to the credited service in the last position of employment held as a member of the system.

3. If a member is employed in a covered position and simultaneously employed in one or more other covered or noncovered positions, credited service shall be determined as if all such employment were in one position, and covered pay shall be the total of pay for all such positions.

4. In calculating any annuity, "credited service" means a period expressed as whole years and any fraction of a year measured in twelfths that begins on the date an employee commences employment in a covered position and ends on the date such employee's membership terminates pursuant to section 104.1018 plus any additional period for which the employee is credited with service pursuant to this section.

5. A member shall be credited for all military service after membership commences as required by state and federal law.

6. Any member who had active military service in the United States Army, Air Force, Navy, Marine Corps, Army or Air National Guard, Coast Guard, or any reserve component thereof prior to **last** becoming a member, or who is otherwise ineligible to receive credited service pursuant to subsection 1 or 5 of this section, and who became a member after the person's discharge from military service under honorable conditions may elect, prior to retirement, to purchase credited service for all such military service, but not to exceed four years, provided the person is not receiving and is not eligible to receive retirement credits or benefits from any other public or private retirement plan, other than a United States military service retirement system, for the military service to be purchased[, and an affidavit so stating is filed by the member with the year 2000 plan] along with the submission of appropriate documentation verifying the member's dates of active service. The purchase shall be effected by the member paying to the system an amount equal to the state's contributions that would have been made to the system on the member's behalf had the member been a member for the period for which the member is electing to purchase credit and had the member's pay during such period of membership been the same as the annual pay rate as of the date the member was initially employed as a member, with the calculations based on the contribution rate in effect on the date of such member's employment with simple interest calculated from the date of employment to the date of election pursuant to this subsection. The payment shall be made over a period of not longer than two years, measured from the date of election, and with simple interest on the unpaid balance. If a member who purchased credited service pursuant to this subsection dies prior to retirement, the surviving spouse may, upon written request, receive a refund of the amount contributed for such purchase of such credited service, provided the surviving spouse is not entitled to survivorship benefits payable pursuant to the provisions of section 104.1030.

7. Any member of the Missouri state employees' retirement system shall receive credited service for the creditable prior service that such employee would have been entitled to under the closed plan pursuant to section 104.339, subsections 2, and 6 to 9 of section 104.340, subsection 12 of section 104.342, section 104.344, subsection 4 of section 104.345, subsection 4 of section 104.372, section 178.640, RSMo, and section 211.393, RSMo, provided such service has not been credited under the closed plan.

8. Any member who has service in both systems and dies or terminates employment shall have the member's service in the other system transferred to the last system that covered such member and any annuity payable to such member shall be paid by that system. Any such member may elect to transfer service between systems prior to termination of employment, provided, any annuity payable to such member shall be paid by the last system that covered such member prior to the receipt of such annuity.

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9. In no event shall any person or member receive credited service pursuant to the year 2000 plan if that same service is credited for retirement benefits under any defined benefit retirement system not created pursuant to this chapter.

10. Any additional credited service as described in subsections 5 to 7 of this section shall be added to the credited service in the first position of employment held as a member of the system. Any additional creditable service received pursuant to section 105.691, RSMo, shall be added to the credited service in the position of employment held at the time the member completes the purchase or transfer pursuant to such section.

11. A member may not purchase any credited service described in this section unless the member has met the five-year minimum service requirement as provided in subdivisions (11) and (20) of section 104.1003, the two full biennial assemblies minimum service requirement as provided in section 104.1084, or the four-year minimum service requirement as provided in section 104.1084.

12. Absences taken by an employee without compensation for sickness and injury of the employee of less than twelve months or for leave taken by such employee without compensation pursuant to the provisions of the Family and Medical Leave Act of 1993 shall be counted as years of credited service.

**104.1024. RETIREMENT, APPLICATION — ANNUITY PAYMENTS, HOW PAID, AMOUNT — ELECTION TO RECEIVE ANNUITY OR LUMP SUM PAYMENT FOR CERTAIN EMPLOYEES, DETERMINATION OF AMOUNT.** — 1. Any member who terminates employment may retire on or after attaining normal retirement eligibility by making application in written form and manner approved by the appropriate board. The written application shall set forth the annuity starting date which shall not be earlier than the first day of the second month following the month of the execution and filing of the member's application for retirement nor later than the first day of the fourth month following the month of the execution and filing of the member's application for retirement.

2. A member's annuity shall be paid in the form of a life annuity, except as provided in section 104.1027, and shall be an amount for life equal to one and seven-tenths percent of the final average pay of the member multiplied by the member's years of credited service.

3. The life annuity defined in subsection 2 of this section shall not be less than a monthly amount equal to fifteen dollars multiplied by the member's full years of credited service.

4. If as of the annuity starting date of a member who has attained normal retirement eligibility the sum of the member's years of age and years of credited service equals eighty or more years and if the member's age is at least [fifty] **forty-eight** years but less than sixty-two years, or, in the case of a member of the highway patrol who shall be subject to the mandatory retirement provision of section 104.080, the mandatory retirement age and completion of five years of credited service, then in addition to the life annuity described in subsection 2 of this section, the member shall receive a temporary annuity equal to eight-tenths of one percent of the member's final average pay multiplied by the member's years of credited service. The temporary annuity and any cost-of-living adjustments attributable to the temporary annuity pursuant to section 104.1045 shall terminate at the end of the calendar month in which the earlier of the following events occurs: the member's death or the member's attainment of the earliest age of eligibility for reduced Social Security retirement benefits.

5. The annuity described in subsection 2 of this section for any person who has credited service not covered by the federal Social Security Act, as provided in sections 105.300 to 105.445, RSMo, shall be calculated as follows: the life annuity shall be an amount equal to two and five-tenths percent of the final average pay of the member multiplied by the number of years of service not covered by the federal Social Security Act in addition to one and seven-tenths percent of the final average pay of the member multiplied by the member's years of credited service covered by the federal Social Security Act.

6. Effective July 1, 2002, any member, except an elected official or a member of the general assembly, who has not been paid retirement benefits and continues employment for at least two years beyond the date of normal retirement eligibility, may elect to receive an annuity and lump sum payment or payments, determined as follows:

(1) A retroactive starting date shall be established which shall be a date selected by the member; provided, however, that the retroactive starting date selected by the member shall not be a date which is earlier than the date when a normal annuity would have first been payable. In addition, the retroactive starting date shall not be more than five years prior to the annuity starting date. The member's selection of a retroactive starting date shall be done in twelve-month increments, except this restriction shall not apply when the member selects the total available time between the retroactive starting date and the annuity starting date;

(2) The prospective annuity payable as of the annuity starting date shall be determined pursuant to the provisions of this section, with the exception that it shall be the amount which would have been payable at the annuity starting date had the member actually retired on the retroactive starting date under the retirement plan selected by the member. Other than for the lump sum payment or payments specified in subdivision (3) of this subsection, no other amount shall be due for the period between the retroactive starting date and the annuity starting date;

(3) The lump sum payable shall be ninety percent of the annuity amounts which would have been paid to the member from the retroactive starting date to the annuity starting date had the member actually retired on the retroactive starting date and received a life annuity. The member shall elect to receive the lump sum amount either in its entirety at the same time as the initial annuity payment is made or in three equal annual installments with the first payment made at the same time as the initial annuity payment;

(4) Any annuity payable pursuant to this section that is subject to a division of benefit order pursuant to section 104.1051 shall be calculated as follows:

(a) Any service of a member between the retroactive starting date and the annuity starting date shall not be considered credited service except for purposes of calculating the division of benefit; and

(b) The lump sum payment described in subdivision (3) of this section shall not be subject to any division of benefit order; and

(5) For purposes of determining annual benefit increases payable as part of the lump sum and annuity provided pursuant to this section, the retroactive starting date shall be considered the member's date of retirement.

**104.1051. ANNUITY DEEMED MARITAL PROPERTY — DIVISION OF BENEFITS.** — 1. Any annuity provided pursuant to the year 2000 plan is marital property and a court of competent jurisdiction may divide such annuity between the parties to any action for dissolution of marriage if at the time of the dissolution the member has at least five years of credited service pursuant to sections 104.1003 to 104.1093. A division of benefits order issued pursuant to this section:

(1) Shall not require the applicable retirement system to provide any form or type of annuity or retirement plan not selected by the member;

(2) Shall not require the applicable retirement system to commence payments until the member's annuity starting date;

(3) Shall identify the monthly amount to be paid to the former spouse, which shall be expressed as a percentage and which shall not exceed fifty percent of the amount of the member's annuity accrued during all or part of the period of the marriage of the member and former spouse and which shall be based on the member's vested annuity on the date of the dissolution of marriage or an earlier date as specified in the order, which amount shall be adjusted proportionately upon the annuity starting date if the member's annuity is reduced due to the receipt of an early retirement annuity;

(4) Shall not require the payment of an annuity amount to the member and former spouse which in total exceeds the amount which the member would have received without regard to the order;

(5) Shall provide that any annuity increases, [temporary annuity received pursuant to subsection 4 of section 104.1024,] additional years of credited service, increased final average pay, increased pay pursuant to subsections 2 and 5 of section 104.1084, or other type of increases accrued after the date of the dissolution of marriage **and any temporary annuity received pursuant to subsection 4 of section 104.1024** shall accrue solely to the benefit of the member; except that on or after September 1, 2001, any cost-of-living adjustment (COLA) due after the annuity starting date shall not be considered to be an increase accrued after the date of termination of marriage and shall be part of the monthly amount subject to division pursuant to any order issued after September 1, 2001;

(6) Shall terminate upon the death of either the member or the former spouse, whichever occurs first;

(7) Shall not create an interest which is assignable or subject to any legal process;

(8) Shall include the name, address, date of birth, and Social Security number of both the member and the former spouse, and the identity of the retirement system to which it applies;

(9) Shall be consistent with any other division of benefits orders which are applicable to the same member.

2. A system shall provide the court having jurisdiction of a dissolution of a marriage proceeding or the parties to the proceeding with information necessary to issue a division of benefits order concerning a member of the system, upon written request from either the court, the member, or the member's spouse, citing this section and identifying the case number and parties.

3. A system shall have the discretionary authority to reject a division of benefits order for the following reasons:

(1) The order does not clearly state the rights of the member and the former spouse;

(2) The order is inconsistent with any law governing the retirement system.

#### **104.1072. LIFE INSURANCE BENEFITS — MEDICAL INSURANCE FOR CERTAIN RETIREES.**

— 1. Each board shall provide or contract, or both, for life insurance benefits for employees covered pursuant to the year 2000 plan as follows:

(1) Employees shall be provided fifteen thousand dollars of life insurance until December 31, 2000. Effective January 1, 2001, the system shall provide or contract or both for basic life insurance for employees covered under any retirement plan administered by the system pursuant to this chapter, persons covered by sections 287.812 to 287.856, RSMo, for employees who are members of the judicial retirement system as provided in section 476.590, RSMo, and, at the election of the state highways and transportation commission, employees who are members of the highways and transportation employees' and highway patrol retirement system, in the amount equal to one times annual pay, subject to a minimum amount of fifteen thousand dollars. The board shall establish by rule or contract the method for determining the annual rate of pay and any other terms of such insurance as it deems necessary to implement the requirements pursuant to this section. Annual rate of pay shall not include overtime or any other irregular payments as determined by the board. Such life insurance shall provide for triple indemnity in the event the cause of death is a proximate result of a personal injury or disease arising out of and in the course of actual performance of duty as an employee;

(2) Any member who terminates employment after reaching normal or early retirement eligibility and becomes a retiree within sixty days of such termination shall receive five thousand dollars of life insurance coverage.

2. (1) In addition to the life insurance authorized by the provisions of subsection 1 of this section, any person for whom life insurance is provided or contracted for pursuant to such subsection may purchase, at the person's own expense and only if monthly voluntary payroll

deductions are authorized, additional life insurance at a cost to be stipulated in a contract with a private insurance company or as may be required by a system if the board of trustees determines that the system should provide such insurance itself. The maximum amount of additional life insurance which may be so purchased **prior to January 1, 2004**, is that amount which equals six times the amount of the person's annual rate of pay, subject to any maximum established by a board, except that if such maximum amount is not evenly divisible by one thousand dollars, then the maximum amount of additional insurance which may be purchased is the next higher amount evenly divisible by one thousand dollars. **The maximum amount of additional life insurance which may be so purchased on or after January 1, 2004, is an amount to be stipulated in a contract with a private insurance company or as may be required by the system if the board of trustees determines that the system should provide the insurance itself.**

(2) Any person defined in subdivision (1) of this subsection may retain an amount not to exceed sixty thousand dollars of life insurance following the date of his or her retirement if such person becomes a retiree the month following termination of employment and makes written application for such life insurance at the same time such person's application is made to the board for retirement benefits. Such life insurance shall only be provided if such person pays the entire cost of the insurance, as determined by the board, by allowing voluntary deductions from the member's annuity.

(3) In addition to the life insurance authorized in subdivision (1) of this subsection, any person for whom life insurance is provided or contracted for pursuant to this subsection may purchase, at the person's own expense and only if monthly voluntary payroll deductions are authorized, life insurance covering the person's children or the person's spouse or both at coverage amounts to be determined by the board at a cost to be stipulated in a contract with a private insurer or as may be required by the system if the board of trustees determines that the system should provide such insurance itself.

(4) Effective July 1, 2000, any member who applies and is eligible to receive an annuity based on the attainment of at least [fifty] **forty-eight** years of age with a total of years of age and years of credited service which is at least eighty shall be eligible to retain any optional life insurance described in subdivision (1) of this subsection. The amount of such retained insurance shall not be greater than the amount in effect during the month prior to termination of employment. Such insurance may be retained until the member's attainment of the earliest age for eligibility for reduced Social Security retirement benefits at which time the amount of such insurance that may be retained shall be that amount permitted pursuant to subdivision (2) of this subsection.

3. The state highways and transportation commission may provide for insurance benefits to cover medical expenses for members of the highways and transportation employees' and highway patrol retirement system. The state highways and transportation commission may provide medical benefits for dependents of members and for retired members. Contributions by the state highways and transportation commission to provide the benefits shall be on the same basis as provided for other state employees pursuant to the provisions of section 104.515. Except as otherwise provided by law, the cost of benefits for dependents of members and for retirees and their dependents shall be paid by the members or retirees. The commission may contract with other persons or entities including but not limited to third-party administrators, health network providers and health maintenance organizations for all, or any part of, the benefits provided for in this section. The commission may require reimbursement of any medical claims paid by the commission's medical plan for which there was third-party liability.

4. The highways and transportation employees' and highway patrol retirement system may request the state highways and transportation commission to provide life insurance benefits as required in subsections 1 and 2 of this section. If the state highways and transportation commission agrees to the request, the highways and transportation employees' and highway patrol retirement system shall reimburse the state highways and transportation commission for

any and all costs for life insurance provided pursuant to subdivision (2) of subsection 1 of this section. The person who is covered pursuant to subsection 2 of this section shall be solely responsible for the costs of any additional life insurance. In lieu of the life insurance benefit in subdivision (2) of subsection 1 of this section, the highways and transportation employees' and highway patrol retirement system is authorized in its sole discretion to provide a death benefit of five thousand dollars.

**5. To the extent that the board enters or has entered into any contract with any insurer or service organization to provide life insurance provided for pursuant to this section:**

**(1) The obligation to provide such life insurance shall be primarily that of the insurer or service organization and secondarily that of the board;**

**(2) Any member who has been denied life insurance benefits by the insurer or service organization and has exhausted all appeal procedures provided by the insurer or service organization may appeal such decision by filing a petition against the insurer or service organization in a court of law in the member's county of residence; and**

**(3) The board and the system shall not be liable for life insurance benefits provided by an insurer or service organization pursuant to this section and shall not be subject to any cause of action with regard to life insurance benefits or the denial of life insurance benefits by the insurer or service organization unless the member has obtained judgment against the insurer or service organization for life insurance benefits and the insurer or service organization is unable to satisfy that judgment.**

**104.1093. DESIGNATION OF AN AGENT — BENEFIT RECIPIENT DEFINED — REVOCATION OF AGENT'S AUTHORITY.** — 1. For purposes of this section, the term "benefit recipient" shall include any employee, beneficiary or retiree pursuant to sections 104.010 to 104.1093, any administrative law judge, legal advisor or beneficiary as defined pursuant to section 287.812, RSMo, or any judge or beneficiary as defined pursuant to section 476.515, RSMo, or any special commissioner pursuant to section 476.450, RSMo.

2. Notwithstanding any provision of law to the contrary, any benefit recipient may designate an agent who shall have the same authority as an agent pursuant to a durable power of attorney pursuant to sections 404.700 to 404.737, RSMo, with regard to the application for and receipt of an annuity or any other benefits. The authority of such agent may be revoked at any time by such benefit recipient. The authority of such agent shall not terminate if such benefit recipient becomes disabled or incapacitated. The designation shall be effective only upon the disability or incapacity of the benefit recipient as determined by that person's physician and communicated in writing to the system.

3. In the event a benefit recipient becomes disabled or incapacitated and has not designated an agent pursuant to subsection 2 of this section, the following persons may act as agent as described in subsection 2 of this section upon submission of a written statement from a physician determining that the [beneficiary] **benefit** recipient is disabled or incapacitated:

- (1) The spouse of the [beneficiary] **benefit** recipient;
- (2) If the spouse is unavailable, to a child of the [beneficiary] **benefit** recipient;
- (3) If [a] **no** child is [unavailable] **available**, to a [brother or sister of the beneficiary] **parent of the benefit** recipient;
- (4) If [a brother or sister is unavailable] **no parent is available**, to a [parent] **brother or sister** of the [beneficiary] **benefit** recipient; or
- (5) **If no brother or sister is available, to a niece, nephew, or a grandchild of the benefit recipient.**

4. The system shall not be liable with regard to any payment made in good faith pursuant to this section.

**168.303. JOB-SHARING RULES TO BE ADOPTED BY BOARD, JOB SHARING DEFINED. —**

The state board of education shall adopt rules to facilitate job-sharing positions for classroom teachers, as the term "job-sharing" is defined in this section. These rules shall provide that a classroom teacher in a job-sharing position shall receive paid legal holidays, annual vacation leave, sick leave, and personal leave on a pro rata basis. "Job-sharing position" shall mean any position:

- (1) Shared with one other employee;
- (2) Requiring employment of at least seventeen hours per week but not more than twenty hours per week on a regular basis; and
- (3) Requiring at least seventy percent of all time spent in classroom instruction as determined by the employer; provided that, job-sharing position shall not include instructional support or school services positions including, but not limited to, guidance counselor, media coordinator, psychologist, social worker, audiologist, speech and language pathologist, and nursing positions.

**169.712. TRANSFER TO PUBLIC SCHOOL RETIREMENT SYSTEM, CERTAIN NONTACHER EMPLOYEES, PROCEDURE. — 1.** Notwithstanding any provision of law to the contrary, any person duly certificated under the law governing the certification of teachers in Missouri who, after August 28, 1997, is first employed in a position which would otherwise qualify the person for membership in the nonteacher school employee retirement system pursuant to the provisions of sections 169.600 to 169.710 shall be a member of the public school retirement system pursuant to the provisions of sections 169.010 to 169.141, and shall receive creditable service on a pro rata basis in that system for subsequent certificated services which would otherwise have been creditable in the nonteacher school employee retirement system. Any such person shall have the option of being a member of the nonteacher school employee retirement system. The option election must be filed with the board of trustees of the public school retirement system within ninety days of first such employment following August 28, 1997.

**2.** Notwithstanding any provision of law to the contrary, any person duly certificated under the law governing the certification of teachers in Missouri who, on or after August 28, 2003, is employed by a public school, as defined in section 169.010, for at least seventeen but less than twenty hours per week on a regular basis shall be a member of the public school retirement system pursuant to the provisions of sections 169.010 to 169.141, and shall receive creditable service on a pro rata basis in that system. Any such person shall have the option of being a member of the nonteacher school employee retirement system. The option election must be filed with the board of trustees of the public school retirement system within ninety days of first such employment or within ninety days of August 28, 2003, whichever later occurs.

**3.** Any person who is a member of the public school retirement system or the nonteacher school employee retirement system pursuant to subsection 2 of this section may purchase credit in such system for service after August 28, 1991, that would have qualified such person for membership in either retirement system pursuant to subsection 2 of this section had such subsection been in effect prior to August 28, 2003; provided that such purchase of credit in the public school retirement system shall be subject to the provisions of section 169.056 and such purchase of credit in the nonteacher school employee retirement system shall be subject to the provisions of section 169.655.

**287.845. ADMINISTRATION OF RETIREMENT SYSTEM AND FUNDS. — 1.** The board shall administer the provisions of sections 287.812 to 287.855 and shall have the same powers, duties, and obligations in regard to the funds and the system provided for in such sections as it has in regard to the Missouri state employees' retirement system. The system shall calculate the annuity for an administrative law judge or legal advisor, as defined in section 287.812 based on the law

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in effect at the time the administrative law judge's or legal [advisory's] **advisor's** employment was terminated.

2. The commissioner of administration, the state treasurer, and the secretary of the Missouri state employees' retirement system shall perform the same duties in regard to the retirement system established pursuant to the provisions of sections 287.812 to 287.855 that are prescribed for such officers in sections 104.436 and 104.438, RSMo, in regard to the Missouri state employees' retirement system. Funds so certified and transferred for the retirement system established pursuant to the provisions of sections 287.812 to 287.855 shall be deposited in a separate account of the Missouri state employees' retirement fund and shall be disbursed only for the purposes of sections 287.812 to 287.855.

**3. Notwithstanding any other provision of law to the contrary, nothing contained in this act shall alter or revise the administrative law judge's and legal advisor's retirement system as previously established by law.**

**SECTION 1. CERTAIN RETIREES ELIGIBLE TO APPLY FOR MEDICAL COVERAGE BENEFITS, AMOUNT OF CONTRIBUTION, LIMITATIONS. — 1. Any state employee or retiree who retires pursuant to section 2 of this act, and who is also eligible for medical coverage as described in section 103.115, RSMo, shall be eligible to apply for the following coverage:**

**(1) Such retiree may elect to continue coverage for himself or herself and any eligible dependents at the same cost as if such retiree was an active employee;**

**(2) Such retiree may continue to pay the applicable rate as if the retiree were an active employee for a maximum period of five years or upon becoming eligible for Medicare, whichever occurs first; and**

**(3) After five years or upon becoming eligible for Medicare, the cost for medical coverage for such retiree and any dependents shall revert to the applicable rate in place at that time.**

**2. Any employee or retiree of a participating member agency who retires pursuant to section 2 of this act, shall only be eligible to have the provisions of subsection 1 of this section applied to his or her coverage if the governing body of the participating member agency elects to provide such benefits.**

**3. The governing boards of Truman State University, Lincoln University, the educational institutions described in section 174.020, RSMo, the highway commission that governs the health care plans of the Missouri department of transportation and the Missouri state highway patrol, and the conservation commission of the department of conservation may elect to provide its employees or retirees who retire pursuant to section 2 of this act, the same benefits as described in subsection 1 of this section under the respective medical plans of those institutions and departments. If the highway commission elects to provide retirees the benefits of this section, any special consultant pursuant to section 104.515, RSMo, who is a member of the Missouri department of transportation and Missouri state highway patrol medical and life insurance plan and who retired on or after February 1, 2003, but prior to the effective date of this section shall be eligible to receive the benefits of this section.**

**SECTION 2. CERTAIN EMPLOYEES ELIGIBLE FOR RETIREMENT MAY APPLY FOR MEDICAL BENEFITS UPON RETIREMENT, AMOUNT OF CONTRIBUTION, TIME LIMITATIONS. —**

**1. An employee who has not been a retiree of the system in which such employee is currently receiving creditable or credited service, who is eligible to receive a normal annuity pursuant to section 104.080, 104.090, 104.100, 104.271, or 104.400, RSMo, or a life and any temporary annuity pursuant to section 104.1024, RSMo, and whose annuity commences no later than September 1, 2003, shall be eligible to receive the medical benefits described in section 1 of this act.**

2. An employee who would be eligible to receive a normal annuity pursuant to section 104.080, 104.090, 104.100, 104.271, or 104.400, RSMo, or a life and any temporary annuity pursuant to section 104.1024, RSMo, no later than January 1, 2004, shall be eligible to retire based on the employee's creditable or credited service and the average compensation or final average pay on the employee's date of termination of employment if the employee applies to retire and whose annuity commences no later than September 1, 2003. Such employee who so retires shall be eligible to receive the medical benefits described in subsection 1 of this section.

3. Any employee described in subsections 1 and 2 of this section who otherwise would be eligible to elect to receive benefits under the provisions of sections 104.625 and 104.1024, RSMo, by no later than January 1, 2004, shall be eligible to elect to receive benefits pursuant to sections 104.625 and 104.1024, RSMo; except that in no event shall a lump sum payment be made for any time period after the employee's annuity starting date.

4. A retiree whose retirement annuity commenced on or after February 1, 2003, but no later than September 1, 2003, shall be eligible to receive the medical benefits described in section 1 of this act.

5. The state may hire employees to replace those employees retiring pursuant to this section and section 1 of this act, except that departments shall not fill more than twenty-five percent of those positions vacated. Exceptions to the twenty-five percent restriction may be made for critical or seasonal positions or positions which are entirely federally funded. Such determination shall be made by rule and regulation promulgated by the office of administration. The provisions of this subsection shall not apply to Truman University, Lincoln University or the educational institutions described in section 174.020, RSMo.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

7. The Missouri state employees' retirement system and the highways and transportation employees' and highway patrol retirement system shall make a report in writing to the governor, commissioner of administration, and the general assembly by April 1, 2004, and in addition shall provide monthly tracking of the effect of state employee retirements pursuant to this section and section 1 of this act. The report shall cover the time period of February 1, 2003, to January 31, 2004. The report shall include the number of such retirements, the amount of payroll affected as a result of retirements, and the financial effect of such retirements as expressed in a report by each system's actuary.

8. The office of administration shall make a report in writing to the governor and the general assembly by April 1, 2004, and in addition shall provide monthly tracking of the budgetary effect of state employee retirements pursuant to this section and section 1 of this act. The report shall include the amount of payroll reduced as a result of such retirements, the number of positions that are core cut as a result of such retirements, the number of employees employed to replace those who retired pursuant to this section, and the financial effect on the budget, including any costs associated with payment of medical premiums by the state.

9. The Missouri consolidated health care plan shall make a report in writing to the governor and the general assembly by April 1, 2004, and in addition shall provide monthly tracking of the effect of state employee retirements pursuant to this section and section 1

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of this act. The report may include, and not be limited to, the amount of payroll reduced as a result of such retirements, the number of positions that are core cut as a result of such retirements, the number of employees employed to replace those who retired pursuant to this section, and the financial effect on the budget, including any costs associated with payment of medical premiums by the state.

**SECTION 3. WORKERS MEMORIAL FUND, TAX REFUND CONTRIBUTION MAY BE DESIGNATED — DIRECTOR'S DUTIES. — 1.** In each tax year beginning on or after January 1, 2003, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation under this section may designate that one dollar or any amount in excess of one dollar on a single return, and two dollars or any amount in excess of two dollars on a combined return, of the refund due be credited to the workers memorial fund. The contribution designation authorized by this section shall be clearly and unambiguously printed on the first page of each income tax return form provided by this state. If any individual or corporation which is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the workers memorial fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount, clearly designated for the workers memorial fund, the individual or corporation wishes to contribute and the department of revenue shall forward such amount to the state treasurer for deposit to the workers memorial fund as provided in subsection 2 of this section.

**2.** The director of revenue shall transfer at least monthly all contributions designated by individuals under this section to the state treasurer for deposit to the workers memorial fund.

**3.** The director of revenue shall transfer at least monthly all contributions designated by corporations under this section, less an amount sufficient to cover the cost of collection and handling by the department of revenue, to the state treasurer for deposit to the workers memorial fund.

**4.** A contribution designated under this section shall only be transferred and deposited in the workers memorial fund after all other claims against the refund from which such contribution is to be made have been satisfied.

**SECTION B. EMERGENCY CLAUSE. —** Because the enactment of sections 1 and 2 of section A of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be an emergency act within the meaning of the constitution, the enactment of sections 1 and 2 of section A of this act shall be in full force and effect upon its passage and approval or July 1, 2003, whichever later occurs.

Approved June 19, 2003

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SB 255 [SB 255]

**EXPLANATION —** Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Eliminates PSC ratemaking oversight for certain not-for-profit electrical cooperatives.**

AN ACT to repeal section 393.110, RSMo, and to enact in lieu thereof one new section relating to the public service commission's jurisdiction of consumer-owned electric corporations.

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## SECTION

- A. Enacting clause.
- 393.110. Application of sections 393.110 to 393.285 — public service commission not to have jurisdiction over certain electrical corporations.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 393.110, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 393.110, to read as follows:

**393.110. APPLICATION OF SECTIONS 393.110 TO 393.285 — PUBLIC SERVICE COMMISSION NOT TO HAVE JURISDICTION OVER CERTAIN ELECTRICAL CORPORATIONS. —**

**1.** Sections 393.110 to 393.285 shall apply to the manufacture and furnishing of gas for light, heat or power and the furnishing of natural gas for light, heat or power, and the generation, furnishing and transmission of electricity for light, heat or power, the supplying and distributing of water for any purpose whatsoever, and the furnishing of a sewer system for the collection, carriage, treatment or disposal of sewage for municipal, domestic or other beneficial or necessary purpose.

**2.** Notwithstanding any provision in chapter 386, RSMo, or this chapter to the contrary, the public service commission shall not have jurisdiction over the rates, financing, accounting, or management of any electrical corporation which is required by its bylaws to operate on the not-for-profit cooperative business plan, with its consumers who receive service as the stockholders of such corporation, and which holds a certificate of public convenience and necessity to serve a majority of its consumer-owners in counties of the third classification as of August 28, 2003. Nothing in this section shall be construed as amending or superseding the commission's authority granted pursuant to subsection 1 of section 386.310, RSMo, section 386.800, RSMo, section 393.106, and section 394.312, RSMo.

Approved May 8, 2003

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SB 266 [HCS SB 266]

**EXPLANATION —** Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Requires the department of mental health to develop plans for children and persons on waiting lists.**

AN ACT to amend chapter 633, RSMo, by adding thereto two new sections relating to services for persons with developmental disabilities.

## SECTION

- A. Enacting clause.
- 633.032. Mental health department to develop a plan for the needs of persons on waitlist for services — report required, made to whom, when.
  - 1. Departments of mental health and social services to prepare plan for mental health services and support needs for children and persons seventeen years — report required when.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 633, RSMo, is amended by adding thereto two new sections, to be known as sections 633.032 and 1, to read as follows:

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**633.032. MENTAL HEALTH DEPARTMENT TO DEVELOP A PLAN FOR THE NEEDS OF PERSONS ON WAITLIST FOR SERVICES — REPORT REQUIRED, MADE TO WHOM, WHEN. — 1.** The department of mental health shall develop a plan to address the needs of persons who are on a waitlist for services, including persons in habilitation centers waiting for community placement. Such plan shall reflect the partnership between persons with developmental disabilities and their families, community providers, and state officials, and shall support the choice and control of consumers and their families in the delivery of services and supports. Such plan shall include the following:

- (1) A method to reduce the waitlist for services over a period of five years and to reduce the waiting period to ninety days;
- (2) A description of minimum supports and services available to all eligible individuals and their families;
- (3) An evaluation of the capacity of current providers to serve more individuals;
- (4) A method of adjusting support and service levels based on the needs of the eligible individual combined with family or other relevant circumstances affecting the support of such individual;
- (5) A method for determining the circumstances when out-of-home twenty-four-hour care may be necessary;
- (6) A description of how the plan will be implemented on a statewide basis;
- (7) Any changes in state law that will be required to implement the plan; and
- (8) An analysis of the budgetary and programmatic effects of providing supports and services for all eligible individuals and their families.

2. The plan required pursuant to this section shall be completed on or before November 1, 2003. The director of the department of mental health shall submit a copy of the plan to the speaker of the house of representatives, the president pro tem of the senate, and the governor.

**SECTION 1. DEPARTMENTS OF MENTAL HEALTH AND SOCIAL SERVICES TO PREPARE PLAN FOR MENTAL HEALTH SERVICES AND SUPPORT NEEDS FOR CHILDREN AND PERSONS SEVENTEEN YEARS — REPORT REQUIRED WHEN. — 1.** The department of mental health and the department of social services shall jointly prepare a plan to address the need for mental health services and supports for:

- (1) All of the cases in the custody of the department of social services that involve children in the system due exclusively to a need for mental health services, and where there is no instance of abuse, neglect, or abandonment; and
- (2) Children or persons seventeen years of age who are determined by the court to require mental health services under subdivision (5) of subsection 1 of section 211.181, RSMo.

2. Such plan shall include:

- (1) An analysis of federal funding, including waivers, that may be used to support the needed mental health services and supports;
- (2) An analysis of the budgetary and programmatic impact of meeting the needs of the children and persons seventeen years of age for mental health services and supports; and
- (3) An analysis of the feasibility, including time frames, of securing federal funds for the support of the needed mental health services and supports.

3. The plan required in this section shall be completed on or before January 1, 2004. The directors of the department of social services and the department of mental health shall submit a copy of the plan to the governor, the president pro tem of the senate, and the speaker of the house of representatives.

Approved July 1, 2003

## SB 269 [SCS SB 269]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Enables Excelsior Springs to submit a public safety sales tax to its voters.**

AN ACT to amend chapter 67, RSMo, by adding thereto one new section relating to a city sales tax for public safety, with an emergency clause.

## SECTION

- A. Enacting clause.
- 67.230. Sales tax authorized, Excelsior Springs — proceeds to be used for public safety purposes — ballot language — collection of tax, procedure.
- B. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 67, RSMo, is amended by adding thereto one new section, to be known as section 67.230, to read as follows:

**67.230. SALES TAX AUTHORIZED, EXCELSIOR SPRINGS — PROCEEDS TO BE USED FOR PUBLIC SAFETY PURPOSES — BALLOT LANGUAGE — COLLECTION OF TAX, PROCEDURE.** —

**1.** The governing body of any city of the third classification with more than ten thousand eight hundred but less than ten thousand nine hundred inhabitants located at least partly within a county of the first classification with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants, is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such city which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of improving the public safety for such city, including but not limited to expenditures on equipment, city employee salaries and benefits, and facilities for police, fire and emergency medical providers. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the city submits to the voters of the city, at a county or state general, primary or special election, a proposal to authorize the governing body of the city to impose a tax.

**2.** If the proposal submitted involves only authorization to impose the tax authorized by this section, the ballot of submission shall contain, but need not be limited to, the following language:

"Shall the city of ..... (city's name) impose a citywide sales tax of ..... (insert amount) for the purpose of improving the public safety of the city?"

[ ] YES [ ] NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If a proposal receives less than the required majority, then the governing body of the city shall have no power to impose the sales tax herein authorized unless and until the governing body of the city shall again have submitted another proposal to authorize the governing body of the city to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal

pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a city from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for improving the public safety for such city for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for improving the public safety for the city. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds.

5. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created in the state treasury, to be known as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director of the department of revenue shall keep accurate records of the amount of money in the trust and which was collected in each city imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director of the department of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax; such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

6. The director of the department of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of the department of revenue of the action at least ninety days prior to the effective date of the repeal and the director of the department of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director of the department of revenue shall remit the balance in the account to the city and close the account of that city. The director of the department of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

**SECTION B. EMERGENCY CLAUSE.** — Because of the need to increase revenue for public safety, the enactment of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section A of this act shall be in full force and effect upon its passage and approval.

Approved May 15, 2003

## SB 275 [HCS SB 275]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Addresses authority of governor to convey certain state property in Cole County.**

AN ACT to repeal section 2, as enacted by senate bill no. 1168, ninety-first general assembly, second regular session, section 2, as enacted by senate committee substitute for house bill no. 1811, ninety-first general assembly, second regular session, and section 3, as enacted by senate bill no. 1041, ninety-first general assembly, second regular session relating to conveyance of property owned by the state, and to authorize the conveyance if priority owned by the state in the county of Cole to the Missouri state penitentiary redevelopment commission.

**SECTION**

1. Conveyance of Cole County property by the state to the Missouri state penitentiary redevelopment commission.
- A. Enacting clause.
2. Repeals the authority of the governor to convey certain Cole County property.
2. Repeals the authority of the governor to convey certain Cole County property.
3. Repeals the authority of the governor to convey certain Cole County property.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION 1. CONVEYANCE OF COLE COUNTY PROPERTY BY THE STATE TO THE MISSOURI STATE PENITENTIARY REDEVELOPMENT COMMISSION. — 1. The governor is hereby authorized and empowered to convey all interest in fee simple absolute in property owned by the state in the county of Cole to the Missouri state penitentiary redevelopment commission. The property to be conveyed, consisting of the facility known historically as the Missouri State Penitentiary, is more particularly described as follows:**

All of Inlots 138 thru 157; All of Inlots 187 and 188; All of Inlots 191 thru 257; All of Outlots 46, 48 and 49; All that part of Outlot 50, lying south of the Missouri Pacific Railroad right-of-way; All that part of Outlot 69, lying south of the Missouri Pacific Railroad right-of-way and north of the northerly line of Riverside Drive; All that part of Outlots 47, 51, 70 and 71, lying north of the northerly line of Riverside Drive; All that part of Edwards Street, lying between the easterly line of Chestnut Street and the northerly line of Riverside Drive; All that part of Hough Street, lying between the easterly line of Marshall Street and the westerly line of Linn Street, (partly vacated by Jefferson City Ordinance No. 3256); All that part of Water Street, lying between the easterly line of Lafayette Street and the westerly line of Linn Street, (partly vacated by Jefferson City Ordinance No. 4423); All that part of Marshall Street lying between the Missouri River and the northerly line of State Street; All that part of Lafayette Street, lying between the Missouri River and the northerly line of State Street, (previously vacated by Jefferson City ordinance no. 3256); All that part of Cherry Street lying between the Missouri River and the northerly line of Capitol Avenue; All that part of Chestnut Street, lying between the Missouri River and north of a line between the southeasterly corner of Inlot 149 and the southwesterly corner of Inlot 154, (previously vacated by Jefferson City ordinance no. 4423);

All that part of Linn Street, lying between the Missouri River and the northerly line of Water Street, (previously vacated by Jefferson City ordinance no. 4423); All that part of a 20 foot wide public alley, lying north of and adjacent to the northerly line of Inlots 242 thru 245 and 250 thru 253, east of the easterly line of Cherry Street and west of the westerly line of Linn Street; All that part of a 20 foot wide public alley, lying north of and

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adjacent to the northerly line of Inlots 191 and 192, 197 thru 200, 205 thru 208, 213 thru 216 and 221 thru 224, between the easterly line of Inlots 185 and 190 and westerly line of Linn Street, (partly vacated by Jefferson City Ordinance No. 3256); All that part of a 20 foot wide public alley, lying north of and adjacent to the northerly line of Inlots 142 thru 145, and 150 thru 153, east of the easterly line of Lafayette Street and west of the westerly line of Chestnut Street; All that part of Sullivan Street lying south of the Missouri Pacific Railroad right-of-way and north of the northerly line of Riverside Drive and that part of said Sullivan Street lying north of the northerly line of Water Street and west of the westerly line of Riverside Drive; Part of the Southwest Quarter of Fractional Section 9; Part of the Northwest Quarter of Section 16; Part of the Northeast Quarter of Section 17; and part of Fractional Section 8.

According to the plat of the City of Jefferson, Missouri and according to the Government Land Office Plat of Township 44 North, Range 11 West, dated December 6, 1861. All of the aforesaid lies within Sections 8, 9, 16 & 17 of said Township 44 North, Range 11 West, and within the Corporate Limits of the City of Jefferson, Cole County, Missouri, more particularly described as follows:

BEGINNING at the southeasterly corner of Inlot 224; thence S41°59'58"W, along the westerly line of the Linn Street right-of-way, 278.75 feet to the southeasterly corner of Inlot 157; thence N47°45'41"W, along the southerly line of Inlots 157, 156, 155 and 154 and the westerly extension thereof, 497.50 feet; to a point on the westerly line of the Chestnut Street right-of-way; thence S41°59'58"W, along the westerly line of said Chestnut Street right-of-way, 218.78 feet to a point on the northerly line of the Capitol Avenue right-of-way; thence N47°42'07"W, along the northerly line of said Capitol Avenue right-of-way, 459.17 feet to the center of the Cherry Street right-of-way; thence N47°43'05"W, along the northerly line of said Capitol Avenue right-of-way, 457.61 feet to a point on the easterly line of the Lafayette Street right-of-way; thence N41°40'45"E, along the easterly line of said Lafayette Street right-of-way, 497.69 feet to a point intersecting the northerly line of the State Street right-of-way (formerly Water Street); thence N47°42'13"W, along the northerly line of said State Street right-of-way, 539.62 feet to a point in the center of the Marshall Street right-of-way; thence N47°40'29"W, along the northerly line of said State Street right-of-way, 248.46 feet to the southwesterly corner of Inlot 191; thence N42°18'12"E, along the westerly line of said Inlot 191 and along the northerly extension thereof, 218.46 feet to a point intersecting the northerly line of a 20 foot wide alley at the southwest corner of Inlot 186; thence S47°41'48"E, along the northerly line of said alley, 69.58 feet to the southwesterly corner of Inlot 187; thence N42°18'12"E, along the westerly line of said Inlot 187, and along the northerly extension thereof, to a point where said extended line intersects the southerly bank of the Missouri River; thence meandering Easterly, along the southerly bank of the Missouri River, to a point intersecting the northerly extension of the westerly line of the vacated Linn Street right-of-way; thence S41°59'58"W, along said extended line, to a point intersecting the southerly line of the Missouri Pacific Railroad right-of-way; thence Easterly, along the southerly line of said Railroad right-of-way, the following courses: S76°32'03"E, 144.89 feet; thence S77°16'57"E, 47.18 feet; thence S48°45'34"E, 104.71 feet; thence Southeasterly, on a curve to the right, having a radius of 3194.44 feet, an arc distance of 528.26 feet, (the chord of said curve being S72°32'42"E, 527.66 feet); thence S67°48'27"E, 1054.20 feet; thence Southeasterly, on a curve to the right, having a radius of 11962.27 feet, an arc distance of 802.07 feet, (the chord of said curve being S65°53'12"E, 801.92 feet); thence Southeasterly, on a curve to the right, having a radius of 6150.45 feet, an arc distance of 0.66 feet, (the chord of said curve being S63°57'46"E, 0.66 feet) to a point intersecting the westerly line of a tract described by deed of record in Book 381, page 481, Cole County Recorder's Office; thence leaving the southerly line of said Missouri Pacific Railroad right-of-way, S23°33'02"W, along the westerly line of said tract described in

Book 381, page 481, 527.50 feet to the northeasterly corner of Tract B of a Parcel Division Survey of record in Survey Record Book A, page 231 and said corner being on the northerly boundary of a tract described by deed of record in Book 245, page 533, Cole County Recorder's Office; thence N73°07'59"W, along the northerly boundary of said Tract B, 305.40 feet to the northwesterly corner thereof and said corner being the most northerly corner of Tract A of said Survey and being the most northerly corner of the subsequent deed of record thereof in Book 410, page 354, Cole County Recorder's Office; thence S16°24'11"W, along the westerly boundary of said Tract A, and the southerly extension thereof, 412.09 feet to a point intersecting the northerly line of a 30 foot wide street right-of-way known as Riverside Drive, (formerly River Lane) as shown on the Plat of Renn Addition, of record in Plat Book 2, page 5, Cole County Recorder's Office; thence N83°32'22"W, along the northerly line of said Riverside Drive right-of-way, 1316.36 feet to the southeasterly corner of a tract described by deed of record in Book 18, page 255, Cole County Recorder's Office; thence N69°53'58"W, along said Riverside Drive right-of-way line and along the southern boundary of said tract described in Book 18, page 255, 610.82 feet; thence S3°01'23"W, along said Riverside Drive right-of-way line and along the southern boundary of said tract described in Book 18, page 255, 275.00 feet to a point intersecting the southerly line of Outlot 51; thence N47°19'29"W, along the southerly line of said Outlot 51 and along the westerly extension thereof, being the northerly line of Water Street, 112.04 feet to a point in the center of Sullivan Street; thence N47°45'39"W, along the northerly line of Water Street and the southerly lines of Outlots 47 and 46 and the westerly extension thereof, 1000.29 feet to the westerly line of Linn Street and the POINT OF BEGINNING.

Containing in all 144 acres, more or less.

EXCEPT that part previously conveyed to the Missouri Pacific Railroad.

2. The property may be separated into parcels and conveyed to the commission at different points in time.

3. Consideration for the conveyance shall be the redevelopment of the property in accordance with section 217.905, RSMo.

4. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the sale.

5. The attorney general shall approve the form of the instrument of conveyance.

**SECTION A. ENACTING CLAUSE.** — Section 2, as enacted by senate bill no. 1168, ninety-first general assembly, second regular session, section 2, as enacted by senate committee substitute for house bill no. 1811, ninety-first general assembly, second regular session, and section 3, as enacted by senate bill no. 1041, ninety-first general assembly, second regular session, are repealed, to read as follows:

**[SECTION 2. REPEALS THE AUTHORITY OF THE GOVERNOR TO CONVEY CERTAIN COLE COUNTY PROPERTY.** — 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by the state in the County of Cole to the General Services Administration or the Missouri development finance board. The property to be conveyed is more particularly described as follows:

All of Inlots 187 and 188; All of Inlots 191 thru 200 inclusive; All of Inlots 225 thru 229; All that part of the Hough Street Right-of-way (previously vacated by Jefferson City Ordinance No. 3256); All that part of the Marshall Street Right-of-way lying north of the northerly line of State Street and south of the Missouri Pacific Railroad; All that part of the Lafayette Street Right-of-way (previously vacated by Jefferson City ordinance no. 3256); All that part of a 20 foot wide public alley lying between Marshall Street and Lafayette Street (previously vacated by Jefferson City Ordinance No. 3256); All that part of a 20 foot wide public alley, lying east of the easterly

line of Inlots 185 and 190 and west of the westerly line of the Marshall Street Right-of-way; any part of Fractional Section 8, lying south of the Missouri Pacific Railroad and north of Inlots 187 & 188, any part of Fractional Section 8, lying south of the Missouri Pacific Railroad and north of Inlots 225 thru 229 inclusive; according to the plat of the City of Jefferson, Missouri and according to the Government Land Office Plat of Township 44 North, Range 11 West, dated December 6, 1861. All of the aforesaid lies within Fractional Section 8 of said Township 44 North, Range 11 West, and within the Corporate Limits of the City of Jefferson, Cole County, Missouri, more particularly described as follows:

BEGINNING at the southwesterly corner of Inlot 191; thence N42°18'12"E, along the westerly line of said Inlot 191 and along the northerly extension thereof, 218.46 feet to a point intersecting the northerly line of a 20 foot wide alley at the southwest corner of Inlot 186; thence S47°41'48"E, along the northerly line of said alley, 69.58 feet to the southwesterly corner of Inlot 187; thence N42°18'12"E, along the westerly line of said Inlot 187 and the northerly extension thereof, 259.20 feet; thence S68°13'57"E, 766.53 feet to a point intersecting the easterly line of the aforesaid vacated Lafayette Street Right-of-way; thence S42°15'04"W, along the easterly line of said vacated Lafayette Street Right-of-way, 746.58 feet to a point intersecting the northerly line of the State Street Right-of-way (formerly Water Street); thence N47°42'13"W, along the northerly line of said State Street Right-of-way, 539.62 feet to a point in the center of the Marshall Street Right-of-way; thence N47°40'29"W, along the northerly line of said State Street Right-of-way, 248.46 feet to the POINT OF BEGINNING.

2. Consideration for the conveyance shall be the transfer of property of like value to the state of Missouri.

3. The attorney general shall approve the form of the instrument of conveyance.]

**[SECTION 2. REPEALS THE AUTHORITY OF THE GOVERNOR TO CONVEY CERTAIN COLE COUNTY PROPERTY. —** 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by the state in the County of Cole to the General Services Administration or to the Missouri Development Finance Board. The property to be conveyed is more particularly described as follows:

All of Inlots 187 and 188; All of Inlots 191 thru 200 inclusive; All of Inlots 225 thru 229; All that part of the Hough Street Right-of-way (previously vacated by Jefferson City Ordinance No. 3256); All that part of the Marshall Street Right-of-way lying north of the northerly line of State Street and south of the Missouri Pacific Railroad; All that part of the Lafayette Street Right-of-way (previously vacated by Jefferson City ordinance no. 3256); All that part of a 20 foot wide public alley lying between Marshall Street and Lafayette Street (previously vacated by Jefferson City Ordinance No. 3256); All that part of a 20 foot wide public alley, lying east of the easterly line of Inlots 185 and 190 and west of the westerly line of the Marshall Street Right-of-way; any part of Fractional Section 8, lying south of the Missouri Pacific Railroad and north of Inlots 187 & 188, any part of Fractional Section 8, lying south of the Missouri Pacific Railroad and north of Inlots 225 thru 229 inclusive; according to the plat of the City of Jefferson, Missouri and according to the Government Land Office Plat of Township 44 North, Range 11 West, dated December 6, 1861. All of the aforesaid lies within Fractional Section 8 of said Township 44 North, Range 11 West, and within the Corporate Limits of the City of Jefferson, Cole County, Missouri, more particularly described as follows:

BEGINNING at the southwesterly corner of Inlot 191; thence N42°18'12"E, along the westerly line of said Inlot 191 and along the northerly extension thereof, 218.46 feet to a point intersecting the northerly line of a 20 foot wide alley at the southwest corner of Inlot 186; thence S47°41'48"E, along the northerly line of said alley, 69.58 feet to the southwesterly corner of Inlot 187; thence N42°18'12"E, along the westerly line of said Inlot 187 and the northerly extension thereof, 259.20 feet; thence S68°13'57"E, 766.53 feet to a point intersecting the easterly line of the aforesaid vacated Lafayette Street Right-of-way; thence S42°15'04"W, along the easterly line of said vacated Lafayette Street Right-of-way, 746.58 feet to a point intersecting the northerly

line of the State Street Right-of-way (formerly Water Street); thence N47°42'13"W, along the northerly line of said State Street Right-of-way, 539.62 feet to a point in the center of the Marshall Street Right-of-way; thence N47°40'29"W, along the northerly line of said State Street Right-of-way, 248.46 feet to the POINT OF BEGINNING.

2. Consideration for the conveyance shall be the transfer of property of like value to the state of Missouri.

3. The attorney general shall approve the form of the instrument of conveyance.]

**[SECTION 3. REPEALS THE AUTHORITY OF THE GOVERNOR TO CONVEY CERTAIN COLE COUNTY PROPERTY. —** 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by the state in the County of Cole to the General Services Administration or the Missouri development finance board. The property to be conveyed is more particularly described as follows:

All of Inlots 187 and 188; All of Inlots 191 thru 200 inclusive; All of Inlots 225 thru 229; All that part of the Hough Street Right-of-way (previously vacated by Jefferson City Ordinance No. 3256); All that part of the Marshall Street Right-of-way lying north of the northerly line of State Street and south of the Missouri Pacific Railroad; All that part of the Lafayette Street Right-of-way (previously vacated by Jefferson City ordinance no. 3256); All that part of a 20 foot wide public alley lying between Marshall Street and Lafayette Street (previously vacated by Jefferson City Ordinance No. 3256); All that part of a 20 foot wide public alley, lying east of the easterly line of Inlots 185 and 190 and west of the westerly line of the Marshall Street Right-of-way; any part of Fractional Section 8, lying south of the Missouri Pacific Railroad and north of Inlots 187 & 188, any part of Fractional Section 8, lying south of the Missouri Pacific Railroad and north of Inlots 225 thru 229 inclusive; according to the plat of the City of Jefferson, Missouri and according to the Government Land Office Plat of Township 44 North, Range 11 West, dated December 6, 1861. All of the aforesaid lies within Fractional Section 8 of said Township 44 North, Range 11 West, and within the Corporate Limits of the City of Jefferson, Cole County, Missouri, more particularly described as follows:

BEGINNING at the southwesterly corner of Inlot 191; thence N42°18'12"E, along the westerly line of said Inlot 191 and along the northerly extension thereof, 218.46 feet to a point intersecting the northerly line of a 20 foot wide alley at the southwest corner of Inlot 186; thence S47°41'48"E, along the northerly line of said alley, 69.58 feet to the southwesterly corner of Inlot 187; thence N42°18'12"E, along the westerly line of said Inlot 187 and the northerly extension thereof, 259.20 feet; thence S68°13'57"E, 766.53 feet to a point intersecting the easterly line of the aforesaid vacated Lafayette Street Right-of-way; thence S42°15'04"W, along the easterly line of said vacated Lafayette Street Right-of-way, 746.58 feet to a point intersecting the northerly line of the State Street Right-of-way (formerly Water Street); thence N47°42'13"W, along the northerly line of said State Street Right-of-way, 539.62 feet to a point in the center of the Marshall Street Right-of-way; thence N47°40'29"W, along the northerly line of said State Street Right-of-way, 248.46 feet to the POINT OF BEGINNING.

2. Consideration for the conveyance shall be the transfer of property of like value to the state of Missouri.

3. The attorney general shall approve the form of the instrument of conveyance.]

Approved July 9, 2003

SB 281 [HCS SCS SB 281]

**EXPLANATION —** Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Allows first class counties to acquire, erect, operate, manage, etc. buildings and property outside the county seat.**

AN ACT to repeal sections 49.370 and 49.380, RSMo, and to enact in lieu thereof one new section relating to county property.

SECTION

- A. Enacting clause.
- 49.370. Site for county building.
- 49.380. Superintendent to select and purchase building site, when.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 49.370 and 49.380, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 49.370, to read as follows:

**49.370. SITE FOR COUNTY BUILDING.** — **1.** The county commission shall designate the place whereon to erect any county building, on any land belonging to such county, at the established seat of justice thereof. **If there is no suitable ground belonging to said county within the limits of the original town known as the established seat of justice, the county commission shall select a proper piece of ground anywhere within the corporate limits of the town known as the county seat, and may purchase or receive by donation a lot or lots of ground for that purpose, and shall take a good and sufficient deed in fee simple for the same to the county, and shall make report to the circuit court at its next sitting.**

**2.** The provisions of subsection 1, notwithstanding, any county of the first classification may acquire, own, erect, operate, manage, and maintain buildings and property outside the limits of the established seat of justice, so long as the building or property is located within the county.

**[49.380. SUPERINTENDENT TO SELECT AND PURCHASE BUILDING SITE, WHEN.** — If there is no suitable ground for that purpose belonging to said county within the limits of the original town known as the established seat of justice, the superintendent shall select a proper piece of ground anywhere within the corporate limits of the town known as the county seat, and may purchase or receive by donation a lot or lots of ground for that purpose, and shall take a good and sufficient deed in fee simple for the same to the county, and shall make report of his proceedings to the county commission and the circuit court at its next sitting.]

Approved July 1, 2003

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SB 282 [SB 282]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Revises the maximum time a county commission may issue a lease or concession grant for certain public facilities.**

AN ACT to repeal section 64.341, RSMo, and to enact in lieu thereof one new section relating to county facilities.

SECTION

- A. Enacting clause.
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64.341. County commissions may lease lands and grant concessions for recreational and other purposes — procedure — county commission may operate (first class counties).

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 64.341, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 64.341, to read as follows:

**64.341. COUNTY COMMISSIONS MAY LEASE LANDS AND GRANT CONCESSIONS FOR RECREATIONAL AND OTHER PURPOSES — PROCEDURE — COUNTY COMMISSION MAY OPERATE (FIRST CLASS COUNTIES).** — 1. The county commissions in all counties of class one are hereby authorized and given the power in all matters pertaining to lots, tracts and parcels of ground, land and improvements thereon used by such counties as public parks, playgrounds, camping sites, recreation areas and sanitary land fills, to lease such land or any part thereof and any improvements erected thereon to, and permit improvements to be erected thereon by any person, firm or corporation undertaking to serve the public purposes thereof and to grant concessions therein for the sale of refreshments to the public using such areas and for services therein relating to boating, swimming, picnicking, golfing, shooting, horseback riding, fishing, tennis and other recreational, cultural and educational uses upon such terms and under such regulations as the county commissions may prescribe. The county commission may establish, change from time to time and provide for collection thereof by its agents, employees or concessionaires a reasonable charge or charges to the public for the uses of and services in the areas as hereinabove set out. No lease or concession grant shall be for a longer term than [five] **seven** years. No such lease shall be made or concession granted until after due opportunity for competition, including advertising the proposed letting or granting in a newspaper in the county with a circulation of at least five hundred copies per issue, if there be such, and if not, in such case notice shall be posted on the bulletin board in the county courthouse. All leases shall be made and concessions granted to the party or parties submitting the bid most favorable to the county. In every such lease made and concession granted, the county shall reserve the right for properly authorized representatives thereof to enter at all reasonable times in and upon the premises for the purpose of inspecting same. All moneys derived from any leases, concessions, charges, or from the sale of products obtained from any such areas shall be paid into the county treasury and be credited to the park fund and be used and expended by the county commission for park purposes. Nothing herein stated shall be held to abrogate the conditions specified in the deed or deeds of gift of any land or lands herebefore granted to the county, but said deed or deeds and acceptance thereof and all conditions therein are hereby ratified and confirmed, which conditions thereof, so far as they may be in conflict with this section, shall be considered as exceptions to the provisions hereof.

2. When private operators are not interested or available, the county commission shall have the power to operate the facilities described in subsection 1 of this section for a period not to exceed [three] **seven** years, after which the facilities shall again be offered for competitive bids for private operation. In the event such bids are not responsive or favorable to the county, the county commission shall continue to operate the facilities for an additional period of time not to exceed [three] **seven** years.

Approved July 9, 2003

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SB 288 [SCS SB 288]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

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**Changes the time for the owner of lost property to prove property from one year to 180 days after publication.**

AN ACT to repeal section 447.040, RSMo, and to enact in lieu thereof one new section relating to lost and found property.

SECTION

- A. Enacting clause.
- 447.040. Procedure if no owner appears, when.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 447.040, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 447.040, to read as follows:

**447.040. PROCEDURE IF NO OWNER APPEARS, WHEN.** — If no owner appear and prove the money or property within forty days, and the value exceed twenty dollars, the finder shall, within thirty days thereafter, cause a copy of the description to be inserted in some newspaper [in this state,] **of general circulation, qualified pursuant to chapter 493, RSMo, and located in the county where the money or property was found, once per week for three consecutive weeks;** and if no owner prove the property within [one year] **one hundred eighty days** after such publication, the same shall vest in the finder.

Approved June 9, 2003

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SB 289 [SB 289]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Names the portion of Highway 71 within Jasper County the "Trooper Charles P. Corbin Memorial Highway".**

AN ACT to amend chapter 227, RSMo, by adding thereto two new sections relating to the establishment of the Trooper Charles P. Corbin memorial highway.

SECTION

- A. Enacting clause.
- 227.334. Trooper Charles P. Corbin Memorial Highway, portion of U.S. Highway 71 in Jasper County designated as.
- 227.342. William "Bill" Lark Memorial Highway, portion of interstate highway 29 in Holt County designated as.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 227, RSMo, is amended by adding thereto two new sections, to be known as sections 227.334 and 227.342, to read as follows:

**227.334. TROOPER CHARLES P. CORBIN MEMORIAL HIGHWAY, PORTION OF U.S. HIGHWAY 71 IN JASPER COUNTY DESIGNATED AS.** — **The portion of U.S. Highway 71 located in a county of the first classification with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants shall be named the "Trooper Charles P. Corbin Memorial Highway".**

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**227.342. WILLIAM "BILL" LARK MEMORIAL HIGHWAY, PORTION OF INTERSTATE HIGHWAY 29 IN HOLT COUNTY DESIGNATED AS.** — The portion of interstate highway 29 between mile marker 89 and mile marker 92, all located within a county of the third classification without a township form of government and with more than five thousand three hundred but less than five thousand four hundred inhabitants, shall be designated the "William 'Bill' Lark Memorial Highway".

Approved July 11, 2003

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SB 292 [SB 292]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Limits disclosure of credit card account numbers on sales receipts provided to cardholder.**

AN ACT to repeal section 407.433, RSMo, and to enact in lieu thereof one new section relating to disclosure of credit card numbers on sales receipts, with penalty provisions.

**SECTION**

A. Enacting clause.

407.433. Protection of credit card and debit card account numbers, prohibited actions, penalty, exceptions — effective date, applicability.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 407.433, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 407.433, to read as follows:

**407.433. PROTECTION OF CREDIT CARD AND DEBIT CARD ACCOUNT NUMBERS, PROHIBITED ACTIONS, PENALTY, EXCEPTIONS — EFFECTIVE DATE, APPLICABILITY.** — 1. No person, other than the cardholder, shall:

(1) Disclose more than the last five digits of a credit card or debit card account number on any sales receipt **provided to the cardholder** for merchandise sold in this state;

(2) Use a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a credit or debit card without the permission of the cardholder and with the intent to defraud any person, the issuer, or a merchant; or

(3) Use a reencoder to place information encoded on the magnetic strip or stripe of a credit or debit card onto the magnetic strip or stripe of a different card without the permission of the cardholder from which the information is being reencoded and with the intent to defraud any person, the issuer, or a merchant.

2. Any person who knowingly violates this section is guilty of an infraction and any second or subsequent violation of this section is a class A misdemeanor.

3. It shall not be a violation of subdivision (1) of subsection 1 of this section if:

(1) The sole means of recording the credit card number or debit card number is by handwriting or, prior to January 1, 2005, by an imprint of the credit card or debit card; and

(2) For handwritten or imprinted copies of credit card or debit card receipts, only the merchant's copy of the receipt lists more than the last five digits of the account number.

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4. This section shall become effective on January 1, 2003, and applies to any cash register or other machine or device that prints or imprints receipts of credit card or debit card transactions and which is placed into service on or after January 1, 2003. Any cash register or other machine or device that prints or imprints receipts on credit card or debit card transactions and which is placed in service prior to January 1, 2003, shall be subject to the provisions of this section on or after January 1, 2005.

Approved May 30, 2003

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SB 293 [SB 293]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Allows the department of revenue to specify the minimum income tax filing level.**

AN ACT to repeal section 143.481, RSMo, and to enact in lieu thereof one new section relating to procedures for filing income taxes.

SECTION

- A. Enacting clause.  
143.481. Persons required to make returns of income.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 143.481, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 143.481, to read as follows:

**143.481. PERSONS REQUIRED TO MAKE RETURNS OF INCOME.** — An income tax return with respect to the tax imposed by sections 143.011 to 143.996 shall be made by the following:

- (1) Every resident individual who has a Missouri adjusted gross income of one thousand two hundred dollars or more, **or a greater amount as prescribed by the director of revenue** and who is required to file a federal income tax return;
- (2) Every nonresident individual who has a Missouri nonresident adjusted gross income (Missouri adjusted gross income derived from sources within this state) of six hundred dollars or more, **or a greater amount as prescribed by the director of revenue** and who is required to file a federal income tax return;
- (3) Every resident estate or trust which is required to file a federal income tax return;
- (4) Every nonresident estate which has gross income of six hundred dollars or more for the taxable year from sources within this state;
- (5) Every nonresident trust which for the taxable year has from sources within this state, either;
  - (a) Any taxable income[.]; or
  - (b) Gross income of six hundred dollars or more regardless of the amount of taxable income;
- (6) Every corporation which:
  - (a) Is not an exempt corporation described in subsection 2 of section 143.441[.];
  - (b) Is required to file a federal income tax return[.]; and
  - (c) Has gross income from sources within this state of one hundred dollars or more.

Approved May 30, 2003

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## SB 294 [SCS SB 294]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Requires criminal history check for certain persons related to the gaming and civilian review boards.**

AN ACT to repeal sections 313.057, 313.220, and 313.810, RSMo, and to enact in lieu thereof three new sections relating to licensing requirements.

**SECTION**

- A. Enacting clause.
- 313.057. Suppliers license required, background checks required, exceptions to licensure, qualifications, fee — records — pull-tab cards, tax on — restrictions on use — failure to pay tax, penalty.
- 313.220. Rules and regulations — procedure generally, this chapter — background checks may be required, when.
- 313.810. Application, contents, fingerprints submission — investigation, commission may conduct — false information on application, penalty.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 313.057, 313.220, and 313.810, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 313.057, 313.220, and 313.810, to read as follows:

**313.057. SUPPLIERS LICENSE REQUIRED, BACKGROUND CHECKS REQUIRED, EXCEPTIONS TO LICENSURE, QUALIFICATIONS, FEE — RECORDS — PULL-TAB CARDS, TAX ON — RESTRICTIONS ON USE — FAILURE TO PAY TAX, PENALTY.** — 1. It is unlawful for any person, either as an owner, lessee or employee, to operate, carry on, conduct or maintain any form of manufacturing, selling, leasing or distribution of any bingo equipment or supplies without having first procured and maintained a Missouri bingo equipment and supplies manufacturer or supplier license.

2. The commission shall submit two sets of fingerprints for each key person, as defined in commission rules and regulations, of an entity or organization seeking issuance or renewal of a Missouri bingo equipment and supplies manufacturer or supplier license, for the purpose of checking the person's prior criminal history when the commission determines a nationwide check is warranted. The fingerprint cards and any required fees shall be sent to the Missouri state highway patrol's criminal records division. The first set of fingerprints shall be used for searching the state repository of criminal history information. The second set of fingerprints shall be forwarded to the Federal Bureau of Investigation, Identification Division, for the searching of the federal criminal history files. The patrol shall notify the commission of any criminal history information or lack of criminal history information discovered on the individual. Notwithstanding the provisions of section 610.120, RSMo, all records related to any criminal history information discovered shall be accessible and available to the commission.

3. The holder of a state bingo license may, within two years of cessation of conducting bingo or upon specific approval by the commission, dispose of by sale in a manner approved by the commission, any or all of his bingo equipment and supplies, without a supplier's license. In case of foreclosure of a lien by a bank or other person holding a security interest for which bingo equipment is security in whole or in part for the lien, the commission may authorize the disposition of the bingo equipment without requiring a supplier's license.

[3.] 4. Any person whom the commission determines to be a suitable person to receive a license [under] pursuant to the provisions of this section may be issued a manufacturer's or supplier's license. The commission may require suppliers to post a bond with the commission

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in an amount and in the manner prescribed by the commission. The burden of proving his qualification to receive or hold a license [under] **pursuant to** this section is at all times on the applicant or licensee.

[4.] **5.** The commission shall charge and collect from each applicant for a supplier's license a one-time application fee set by the commission, not to exceed five thousand dollars. The commission shall charge and collect an annual renewal fee for each supplier licensee not to exceed one thousand dollars.

[5.] **6.** The commission shall charge and collect from each applicant for a manufacturer's license a one-time application fee set by the commission, not to exceed one thousand dollars. The commission shall charge and collect an annual renewal fee for each manufacturer licensee not to exceed five hundred dollars.

[6.] **7.** The commission shall charge and collect from each applicant for a hall provider's license a one-time application fee set by the commission, not to exceed seven hundred fifty dollars. The commission shall charge and collect an annual renewal fee for each hall provider licensee not to exceed five hundred dollars.

[7.] **8.** All licenses issued [under] **pursuant to** this section shall be issued for the calendar year and shall expire on December thirty-first of each year. Regardless of the date of application or issuance of the license, the fee to be charged and collected [under] **pursuant to** this section shall be the full annual fee.

[8.] **9.** All license fees collected pursuant to this section shall be paid over immediately to the state treasurer to be deposited to the credit of the gaming commission bingo fund.

[9.] **10.** All licensees [under] **pursuant to** this section shall maintain for a period of not less than three years full and complete records of all business carried on in this state and shall make same available for inspection to any duly authorized representative of the commission. If a supplier does not receive payment in full from an organization within thirty days of the delivery of bingo supplies, the supplier shall notify the commission in writing, or in a manner specified by the commission in its rules and regulations, of the delinquency. Upon receipt of the notice of delinquency, the commission shall notify all suppliers that until further notice from the commission, all sales of bingo supplies to the delinquent organizations shall be on a cash-only basis. Upon receipt of the notice from the commission, no supplier may extend credit to the delinquent organization until such time as the commission approves credit sales. If a manufacturer does not receive payment in full from a supplier within ninety days of the delivery of bingo supplies, the manufacturer shall notify the commission in writing, or in a manner specified by the commission in its rules and regulations, of the delinquency. Upon receipt of the notice of delinquency, the commission shall notify all manufacturers that until further notice from the commission, all sales of bingo supplies to the delinquent supplier shall be on a cash-only basis. Upon receipt of the notice from the commission, no manufacturer may extend credit to the delinquent supplier until such time as the commission approves credit sales.

[10.] **11.** Until January 1, 1995, all suppliers shall pay a tax on all pull-tab cards distributed by them in the amount of ten dollars per box when sold by any organization licensed to conduct bingo [under] **pursuant to** the provisions of sections 313.005 to 313.080. No box sold shall contain more than twenty-four hundred pull-tab cards. Beginning January 1, 1995, a tax is hereby imposed in the amount of two percent of the gross receipts of the retail sales value charged for each pull-tab card sold in Missouri to be paid by the supplier. The taxes, less two percent of the total amount paid which may be retained by the supplier, if timely filed and paid, shall be paid on a monthly basis to the commission by each supplier of pull-tabs and shall be due on the last day of each month following the month in which the pull-tabs were sold. The taxes shall be deposited in the state treasury, credited to the bingo proceeds for education fund. All pull-tab cards sold by suppliers in this state shall bear on the face thereof the amount for which such pull-tab cards will be sold, and the license number of the supplier shall be printed on the inventory statement commonly called the flare, enclosed in each unit container. Each unit container shall contain cards printed in such a manner as to ensure that at least sixty percent of

the gross revenues generated by the ultimate sale of such cards shall be returned to the final purchasers of such cards. Any supplier who fails to pay the tax imposed [under] **pursuant to** this subsection shall have his license issued [under] **pursuant to** this section revoked and shall be guilty of a class A misdemeanor.

**313.220. RULES AND REGULATIONS — PROCEDURE GENERALLY, THIS CHAPTER — BACKGROUND CHECKS MAY BE REQUIRED, WHEN. — 1.** The commission shall promulgate such rules and regulations governing the establishment and operation of a state lottery as it deems necessary and desirable to fully implement the mandate of the people expressed in the approval of the lottery amendment to article III of the Missouri Constitution. Such rules and regulations shall be designed so that a lottery may be initiated at the earliest feasible and practicable time. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

**2.** The commission shall have the authority to require a fingerprint background check on any person seeking employment or employed by the commission, any person seeking contract with or contracted to the commission and any person seeking license from or licensed by the commission. The background check shall include a check of the Missouri criminal records repository and when the commission deems it necessary to perform a nationwide criminal history check, a check of the Federal Bureau of Investigations criminal records file. Fingerprints shall be submitted to the Missouri criminal records repository as required. Notwithstanding the provisions of section 610.120, RSMo, the commission shall have access to closed criminal history information when fingerprints are submitted.

**313.810. APPLICATION, CONTENTS, FINGERPRINTS SUBMISSION — INVESTIGATION, COMMISSION MAY CONDUCT — FALSE INFORMATION ON APPLICATION, PENALTY. — 1.** A person shall not be issued a license to conduct gambling games on an excursion gambling boat or a license to operate an excursion gambling boat, an occupational license, or a supplier license unless the person has completed and signed an application on the form prescribed and published by the commission. The application shall include the full name, residence, date of birth and other personal identifying information as the commission deems necessary, including but not limited to, the information specified in section 313.847. The application shall also indicate whether the applicant has [either] **any** of the following:

- (1) A record of conviction of a felony; or
- (2) A current addiction to a controlled substance.

**2.** [An applicant for a license shall submit pictures and fingerprints to the commission in the manner prescribed on the application forms.] **The commission shall submit two sets of fingerprints for any person seeking employment with the commission or any person who is seeking the issuance or renewal of a license issued by the commission, for the purpose of checking the person's prior criminal history when the commission determines a nationwide check is warranted. The fingerprint cards and any required fees shall be sent to the Missouri state highway patrol's criminal records division. The first set of fingerprints shall be used for searching the state repository of criminal history information. The second set of fingerprints shall be forwarded to the Federal Bureau of Investigation, Identification Division, for the searching of the federal criminal history files. The patrol shall notify the commission of any criminal history information or lack of criminal history information discovered on the individual. Notwithstanding the provisions of section 610.120, RSMo, all records related to any criminal history information discovered shall be accessible and available to the commission.**

**3.** It is the burden of the applicant to show by clear and convincing evidence his suitability as to character, experience and other factors as may be deemed appropriate by the commission.

4. Before a license is granted, the commission shall conduct a thorough investigation of the applicant for a license to operate a gambling game operation on an excursion gambling boat. The applicant shall provide information on a form as required by the commission.

5. A person who knowingly makes a false statement on an application is guilty of a class A misdemeanor and shall not ever again be considered for application by the commission.

6. The licensee shall permit the commission or commission employees designated to inspect the licensee or holder's person, personal property, excursion gambling boat and effects at any time.

Approved June 9, 2003

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### SB 295 [HCS SCS SB 295]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

#### **Makes various modifications to laws regarding tax sales of land.**

AN ACT to repeal sections 140.150, 140.170, 140.190, 140.200, 140.210, 140.220, 140.230, 140.260, 140.280, 140.340, 140.350, 140.360, 140.370, 140.390, 140.400, 140.405, 140.410, 140.420, and 140.440, RSMo, and to enact in lieu thereof fifteen new sections relating to delinquent taxes.

#### SECTION

- A. Enacting clause.
- 140.150. Lands, lots, mineral rights, and royalty interests subject to sale, when.
- 140.170. County collector to publish delinquent land list — contents — site of sale — expenses — publisher's affidavit to be recorded — exception for certain property, contents of list.
- 140.190. Period of sale — manner of bids — prohibited sales — sale to nonresidents.
- 140.220. County clerk to act as clerk of sale — fee.
- 140.230. Foreclosure sale surplus — deposited in treasury — escheats, when.
- 140.260. Purchase by county or city, when — procedure.
- 140.280. Payment of total amount by purchaser — penalty for failure.
- 140.340. Redemption, when — manner.
- 140.350. Redemption by incapacitated or disabled persons, when.
- 140.360. Redemption — compensation for improvements — limitations.
- 140.370. Redemption — record of sale.
- 140.405. Purchaser of property at delinquent land tax auction, deed issued to, when — affidavit — notice of right of redemption — loss of interest, when.
- 140.410. Execution and record of deed by purchaser — failure — assignment prohibited, when — recording fee required, when.
- 140.420. Deed to purchaser if unredeemed.
- 140.440. Payment of taxes by holder of purchase certificate — subsequent certificate.
- 140.200. Where owner has several tracts, how sold.
- 140.210. Quantity of land sold.
- 140.390. Redemption of undivided or specific share of land sold.
- 140.400. Partial redemption — duty of collector.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 140.150, 140.170, 140.190, 140.200, 140.210, 140.220, 140.230, 140.260, 140.280, 140.340, 140.350, 140.360, 140.370, 140.390, 140.400, 140.405, 140.410, 140.420, and 140.440, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 140.150, 140.170, 140.190, 140.220, 140.230,

140.260, 140.280, 140.340, 140.350, 140.360, 140.370, 140.405, 140.410, 140.420, and 140.440, to read as follows:

**140.150. LANDS, LOTS, MINERAL RIGHTS, AND ROYALTY INTERESTS SUBJECT TO SALE, WHEN.** — 1. All lands [and lots], **lots, mineral rights, and royalty interests** on which taxes are delinquent and unpaid are subject to sale to discharge the lien for the delinquent and unpaid taxes as provided for in this chapter on the fourth Monday in August of each year.

2. No real property, **lots, mineral rights, or royalty interests** shall be sold for state, county or city taxes without judicial proceedings, unless the notice of sale contains the names of all record owners thereof, or the names of all owners appearing on the land tax book and all other information required by law. Delinquent taxes, [with] penalty, interest and costs **due thereon**, may be paid to the county collector at any time before the property is sold therefor.

3. The entry in the back tax book by the county clerk of the delinquent lands [and lots], **lots, mineral rights, and royalty interests** constitutes a levy upon the delinquent lands [and lots], **lots, mineral rights, and royalty interests** for the purpose of enforcing the lien of delinquent and unpaid taxes, together with penalty, interest and costs.

**140.170. COUNTY COLLECTOR TO PUBLISH DELINQUENT LAND LIST — CONTENTS — SITE OF SALE — EXPENSES — PUBLISHER'S AFFIDAVIT TO BE RECORDED — EXCEPTION FOR CERTAIN PROPERTY, CONTENTS OF LIST.** — 1. Except for lands described in subsection 7 of this section, the county collector shall cause a copy of the list of delinquent lands and lots to be printed in some newspaper of general circulation published in the county, for three consecutive weeks, one insertion weekly, before the sale, the last insertion to be at least fifteen days prior to the fourth Monday in August.

2. In addition to the names of all record owners or the names of all owners appearing on the land tax book it is only necessary in the printed and published list to state in the aggregate the amount of taxes, penalty, interest and cost due thereon, each year separately stated[, and the land therein described shall be described in forty acre tracts or other legal subdivisions, and the lots shall be described by number, block, addition, etc., except that if a part or parts of any forty acre tract or other legal subdivision or lot are assessed on the tax books to two or more parties as owners thereof, then, as to such land or lots, such list shall be so prepared and separated].

3. To the list shall be attached and in like manner printed and published a notice [that so much] of said lands and lots [as are necessary to discharge the taxes, interest and charges which are due thereon at the time of sale will be sold at public auction] **stating that said land and lots will be sold at public auction to discharge the taxes, penalty, interest, and costs due thereon at the time of sale** in or adjacent to the courthouse of such county, on the fourth Monday in August next thereafter, commencing at ten o'clock of said day and continuing from day to day thereafter until all are offered.

4. The county collector, on or before the day of sale, shall insert at the foot of the list on his record a copy of the notice and certify on his record immediately following the notice the name of the newspaper of the county in which the notice was printed and published and the dates of insertions thereof in the newspaper.

5. The expense of such printing shall be paid out of the county treasury and shall not exceed the rate provided for in chapter 493, RSMo, relating to legal publications, notices and advertisements, and the cost of printing at the rate paid by the county shall be taxed as part of the costs of the sale of any land or lot contained in the list.

6. The county collector shall cause the affidavit of the printer, editor or publisher of the newspaper in which the list of delinquent lands and notice of sale was published, as provided by section 493.060, RSMo, with the list and notice attached, to be recorded in the office of the recorder of deeds of the county, and the recorder shall not charge or receive any fees for recording the same.

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7. The county collector may have a separate list of such lands, without legal descriptions or the names of the record owners, printed in a newspaper of general circulation published in such county for three consecutive weeks before the sale of such lands for a parcel or lot of land that:

(1) Has an assessed value of five hundred dollars or less and has been advertised previously; or

(2) Is a lot in a development of twenty or more lots and such lot has an assessed value of five hundred dollars or less. The notice shall state that legal descriptions and the names of the record owners of such lands shall be posted at any county courthouse within the county and the office of the county collector.

**140.190. PERIOD OF SALE — MANNER OF BIDS — PROHIBITED SALES — SALE TO NONRESIDENTS.** — 1. On the day mentioned in the notice, the county collector shall commence the sale of such lands, and shall continue the same from day to day until [so much of] each parcel assessed or belonging to each person assessed, shall be sold as will pay the taxes, interest and charges thereon, or chargeable to such person in said county.

2. The person offering at said sale to pay the required sum for [the least quantity of any] a tract shall be considered the purchaser of such [quantity] land; provided, no sale shall be made to any person who is currently delinquent on any tax payments on any property, other than a delinquency on the property being offered for sale, and who does not sign an affidavit stating such at the time of sale. Failure to sign such affidavit as well as signing a false affidavit may invalidate such sale. No bid shall be received from any person not a resident of the state of Missouri until such person shall file with said collector an agreement in writing consenting to the jurisdiction of the circuit court of the county in which such sale shall be made, and also filing with such collector an appointment of some citizen of said county as agent of said purchaser, and consenting that service of process on such agent shall give such court jurisdiction to try and determine any suit growing out of or connected with such sale for taxes.

3. All such written consents to jurisdiction and selective appointments shall be preserved by the county collector and shall be binding upon any person or corporation claiming under the person consenting to jurisdiction and making the appointment herein referred to; provided further, that in the event of the death, disability or refusal to act of the person appointed as agent of said nonresident purchaser the county clerk shall become the appointee as agent of said nonresident purchaser.

**140.220. COUNTY CLERK TO ACT AS CLERK OF SALE — FEE.** — 1. The clerk of the county commission shall attend, either in person or by deputy, as the clerk of the sale of such delinquent land, and shall enter the same on a sufficient record book giving a description of the proper tract or lot, [showing how much of each was sold,] to whom **sold**, and the price, or whether the same remains unsold.

2. For his services as in this section provided he shall, except in those counties having a population in excess of one hundred thousand, receive the sum of twenty-five cents on each tract of land or lot sold, to become part of the costs of sale and paid by the purchaser, which fee shall include entry or recital of redemption on such record.

**140.230. FORECLOSURE SALE SURPLUS — DEPOSITED IN TREASURY — ESCHEATS, WHEN.** — 1. When real estate has been sold for taxes or other debt by the sheriff or collector of any county within the state of Missouri, and the same sells for a greater amount than the debt or taxes and all costs in the case[, and the owner or owners, agent or agents cannot be found,] it shall be the duty of the sheriff or collector of the county, when such sale has been or may hereafter be made, to make a written statement describing each parcel or tract of land sold by him for a greater amount than the debt or taxes and all costs in the case[, and for which no owner or owners, agent or agents can be found,] together with the amount of surplus money in

each case. The statement shall be subscribed and sworn to by the sheriff or collector making it before some officer competent to administer oaths within this state, and then presented to the county commission of the county where the sale has been or may be made; and on the approval of the statement by the commission, the sheriff or collector making the same shall pay the surplus money into the county treasury, take the receipt in duplicate of the treasurer for the overplus of money and retain one of the duplicate receipts himself and file the other with the county commission, and thereupon the commission shall charge the treasurer with the amount.

2. The treasurer shall place such moneys to the credit of the school fund of the county, to be held in trust for the term of [seven] **three** years for the owner or owners or their legal representatives. At the end of [seven] **three** years, if such fund shall not be called for, then it shall become a permanent school fund of the county.

3. County commissions shall compel owners or agents to make satisfactory proof of their claims before receiving their money; provided, that no county shall pay interest to the claimant of any such fund.

**140.260. PURCHASE BY COUNTY OR CITY, WHEN — PROCEDURE.** — 1. It shall be lawful for the county commission of any county, and the comptroller, mayor and president of the board of assessors of the city of St. Louis, to designate and appoint a suitable person or persons with discretionary authority to bid at all sales to which section 140.250 is applicable, and to purchase at such sales all lands or lots necessary to protect all taxes due and owing and prevent their loss to the taxing authorities involved from inadequate bids.

2. Such person or persons so designated are hereby declared as to such purchases and as titleholders pursuant to collector's deeds issued on such purchases, to be trustees for the benefit of all funds entitled to participate in the taxes against all such lands or lots so sold.

3. Such person or persons so designated shall not be required to pay the amount bid on any such purchase but the collector's deed issuing on such purchase shall recite the delinquent taxes for which said lands or lots were sold, the amount due each respective taxing authority involved, and that the grantee in such deed or deeds holds title as trustee for the use and benefit of the fund or funds entitled to the payment of the taxes for which said lands or lots were sold.

4. The costs of all collectors' deeds, the recording of same and the advertisement of such lands or lots shall be paid out of the county treasury in the respective counties and such fund as may be designated therefor by the authorities of the city of St. Louis.

5. All lands or lots so purchased shall be sold and deeds ordered executed and delivered by such trustees upon order of the county commission of the respective counties and the comptroller, mayor and president of the board of assessors of the city of St. Louis, and the proceeds of such sales shall be applied, first, to the payment of the costs incurred and advanced, and the balance shall be distributed pro rata to the funds entitled to receive the taxes on the lands or lots so disposed of.

6. Upon appointment of any such person or persons to act as trustee as herein designated a certified copy of the order making such appointment shall be delivered to the collector, and if such authority be revoked a certified copy of the revoking order shall also be delivered to the collector.

7. Compensation to trustees as herein designated shall be payable solely from proceeds derived from the sale of lands purchased by them as such trustees and shall be fixed by the authorities herein designated, but not in excess of ten percent of the price for which any such lands and lots are sold by the trustees; provided further, that if at any such sale any person bid a sufficient amount to pay in full all delinquent taxes, penalties, interest and costs, then the trustees herein designated shall be without authority to further bid on any such land or lots.

**8. If the county commission of any county does not designate and appoint a suitable person or persons as trustee or trustees, so appointed, or the trustee or trustees do not accept property after the third offering where no sale occurred then it shall be at the**

**discretion of the collector to sell such land subsequent to the third offering of such land and lots at any time and for any amount.**

**140.280. PAYMENT OF TOTAL AMOUNT BY PURCHASER — PENALTY FOR FAILURE. —**

1. Where such sale is made, the purchaser at such sale shall immediately pay the amount of his bid to the collector, who shall pay the surplus, if any, [to the person entitled thereto; or if he has doubt, or a dispute arises as to the proper person, the same shall be paid] into the county treasury to be held for the use and benefit of the person entitled thereto.

2. In case the purchaser fails to pay his bid, the land shall be again forthwith offered for sale the same as if no sale had been made, and the purchaser so failing shall forfeit and pay for the use of the distributive county school fund of the county a penalty of twenty-five percent of the amount of his bid, to be recovered by action of debt in the name of the collector, before any court having jurisdiction, and the prosecuting attorney shall conduct such suit, and for his services a fee of five dollars shall be taxed against such delinquent purchaser.

**140.340. REDEMPTION, WHEN — MANNER. —** 1. The owner or occupant of any land or lot sold for taxes, or any other persons having an interest therein, may redeem the same at any time during the [two years] **one year** next ensuing, in the following manner: By paying to the county collector, for the use of the purchaser, his heirs or assigns, the full sum of the purchase money named in his certificate of purchase and all the cost of the sale together with interest at the rate specified in such certificate, not to exceed ten percent annually, with all subsequent taxes which have been paid thereon by the purchaser, his heirs or assigns, with interest at the rate of eight percent per annum on such taxes subsequently paid, and in addition thereto the person redeeming any land shall pay the costs incident to entry of recital of such redemption.

2. Upon deposit with the county collector of the amount necessary to redeem as herein provided, it shall be the duty of the county collector to mail to the purchaser, his heirs or assigns, at the last post-office address if known, and if not known, then to the address of the purchaser as shown in the record of the certificate of purchase, notice of such deposit for redemption.

3. Such notice, given as herein provided, shall stop payment to the purchaser, his heirs or assigns, of any further interest or penalty.

4. In case the party purchasing said land, his heirs or assigns, fails to take a tax deed for the land so purchased within six months after the expiration of the [two years] **one year** next following the date of sale, no interest shall be charged or collected from the redemptioner after that time.

**140.350. REDEMPTION BY INCAPACITATED OR DISABLED PERSONS, WHEN. —** Infants and incapacitated and disabled persons as defined in chapter 475, RSMo, may redeem any lands belonging to them sold for taxes, within [two years] **one year** after the expiration of such disability, in the same manner as provided in section 140.340 for redemption by other persons.

**140.360. REDEMPTION — COMPENSATION FOR IMPROVEMENTS — LIMITATIONS. —**

1. In case any lasting and valuable improvements shall have been made by the purchaser at a sale for taxes, or by any person claiming under him, and the land on which the same shall have been made shall be redeemed as aforesaid, the premises shall not be restored to the person redeeming, until he shall have paid or tendered to the adverse party the value of such improvements; and, if the parties cannot agree on the value thereof the same proceedings shall be had in relation thereto as shall be prescribed in the law existing at the time of such proceedings for the relief of occupying claimants of lands in actions of ejectment.

2. No compensation shall be allowed for improvements made before the expiration of [two years] **one year** from the date of sale for taxes.

**140.370. REDEMPTION — RECORD OF SALE.** — 1. When lands sold for taxes[, or any portions thereof,] shall be redeemed, the county collector shall insert a memorandum of such redemption on the record of the certificate of purchase applicable thereto, stating the [quantity or description of the portion] **land or lots** redeemed, [if not the whole,] the date thereof, and by whom made, and sign the same officially, and shall likewise give a certificate thereof to the person redeeming.

2. The person redeeming shall then present to the county clerk the certificate of redemption and the county clerk shall then enter on his record of sales of land for delinquent taxes the recital of such redemption, the date thereof, and the person redeeming.

**140.405. PURCHASER OF PROPERTY AT DELINQUENT LAND TAX AUCTION, DEED ISSUED TO, WHEN — AFFIDAVIT — NOTICE OF RIGHT OF REDEMPTION — LOSS OF INTEREST, WHEN.** — Any person purchasing property at a delinquent land tax auction shall not acquire the deed to the real estate, as provided for in section 140.420, until the person meets with the following requirement or until such person makes affidavit that a title search has revealed no publicly recorded deed of trust, mortgage, lease, lien or claim on the real estate. At least ninety days prior to the date when a purchaser is authorized to acquire the deed, the purchaser shall notify any person who holds a publicly recorded deed of trust, mortgage, lease, lien or claim upon that real estate of the latter person's right to redeem such person's publicly recorded security or claim. Notice shall be sent by certified mail to any such person, including one who was the publicly recorded owner of the property sold at the delinquent land tax auction previous to such sale, at such person's last known available address. Failure of the purchaser to comply with this provision shall result in such purchaser's loss of all interest in the real estate. If any real estate is purchased at a third-offering tax auction and has a publicly recorded deed of trust, mortgage, lease, lien or claim upon the real estate, the purchaser of said property at a third-offering tax auction shall notify anyone with a publicly recorded deed of trust, mortgage, lease, lien or claim upon the real estate pursuant to this section. Once the purchaser has notified the county collector by affidavit that proper notice has been given, anyone with a publicly recorded deed of trust, mortgage, lease, lien or claim upon the property shall have ninety days to redeem said property or be forever barred from redeeming said property. **If the county collector chooses to have the title search done then the county collector must comply with all provisions of section 140.405, and may charge the purchaser the cost of the title search before giving the purchaser a deed pursuant to section 140.420.**

**140.410. EXECUTION AND RECORD OF DEED BY PURCHASER — FAILURE — ASSIGNMENT PROHIBITED, WHEN — RECORDING FEE REQUIRED, WHEN.** — In all cases where lands have been or may hereafter be sold for delinquent taxes, penalty, interest and costs **due thereon**, and a certificate of purchase has been or may hereafter be issued, it is hereby made the duty of such purchaser, his heirs or assigns, to cause a deed to be executed and placed on record in the proper county within [four] **two** years from the date of said sale; provided, that on failure of said purchaser, his heirs or assigns so to do, then and in that case the amount due such purchaser shall cease to be a lien on said lands so purchased as herein provided. **Certificates of purchase cannot be assigned to non-residents or delinquent taxpayers. Any person purchasing property at a delinquent land tax sale shall pay to the collector the fee necessary for the recording of such collector deed to be issued. It shall be the responsibility of the collector to record the deed before delivering such deed to the purchaser of the property.**

**140.420. DEED TO PURCHASER IF UNREDEEMED.** — [1.] If no person shall redeem the lands sold for taxes within [two years] **one year** from the sale, at the expiration thereof, and on production of certificate of purchase, [and in case the certificate covers only a part of a tract or lot of land, then accompanied with a survey or description of such part, made by the county

surveyor,] the collector of the county in which the sale of such lands took place shall execute to the purchaser, his heirs or assigns, in the name of the state, a conveyance of the real estate so sold, which shall vest in the grantee an absolute estate in fee simple, subject, however, to all claims thereon for unpaid taxes except such unpaid taxes existing at time of the purchase of said lands and the lien for which taxes was inferior to the lien for taxes for which said tract or lot of land was sold.

[2. In making such conveyance, when two or more parcels, tracts, or lots of land are sold for the nonpayment of taxes to the same purchaser or purchasers, or the same person or persons shall in any wise become the owner of the certificates thereof, all of such parcels shall be included in one deed.]

**140.440. PAYMENT OF TAXES BY HOLDER OF PURCHASE CERTIFICATE — SUBSEQUENT CERTIFICATE.** — Every holder of a certificate of purchase shall before being entitled to apply for deed to any tract or lot of land described therein pay all taxes that have accrued thereon since the issuance of said certificate, or any prior taxes that may remain due and unpaid on said property, and the lien for which was not foreclosed by sale under which such holder makes demand for deed, and any purchaser that shall suffer a subsequent tax to become delinquent [and a subsequent certificate of purchase to issue on the same property included in his certificate], such first purchaser shall forfeit [his rights of priority thereunder to the subsequent purchaser, and such subsequent purchaser shall at the time of obtaining his certificate redeem said first certificate of purchase outstanding by depositing with the county collector the amount of said first certificate with interest thereon to the date of said redemption and the amount so paid in redemption shall become a part of said subsequent certificate of purchase and draw interest at the rate specified in said first certificate but not to exceed ten percent per annum from the date of payment] **all liens on such lands so purchased.** Said holder of a certificate of purchase permitting a subsequent certificate to issue on the same property, shall, on notice from the county collector, surrender said certificate of purchase [on payment to him of the redemption money paid by the subsequent purchaser.] **immediately to the county collector. Upon surrender of such certificate of purchase any surplus moneys paid by the first holder of the certificate of purchase and remaining unclaimed pursuant to section 140.230 shall be paid without interest to such holder of the certificate.**

**[140.200. WHERE OWNER HAS SEVERAL TRACTS, HOW SOLD.** — When more than one tract or lot belonging to the same person is for sale at the same time, in the same municipal corporation or township, a part of one of the tracts or lots shall be offered, first for the payment of the whole sum due from the owner on all the delinquent lands or lots. If no person bids off a part of the tract or lot for the sum required, the tract or lot shall then be offered to the highest bidder for cash, and if any amount yet remains due, or if no person bids for a part or all of one tract or lot, each of the other tracts or lots shall be offered in like manner until the required sum is realized. If no one bids upon a part or all of said tracts or lots separately, enough to pay the amount due, then the whole of the tracts and lots shall be offered together and sold to pay the taxes, penalty, interest and costs thereon. This section shall be construed directory in character and a failure to comply therewith shall not of itself invalidate any sale.]

**[140.210. QUANTITY OF LAND SOLD.** — When less than the whole of any tract of land shall be sold, the quantity sold shall be in a square form, as near as practicable, at the most northwesterly corner of the tract, and when less than the whole of any in-lot or out-lot of any city or town shall be sold, the part sold shall extend from the main or principal street, road or alley, forming the most convenient front to such lot, to the rear of such lot, and so as to bound the same by lines as nearly parallel with the outlines of such lot as practicable.]

**[140.390. REDEMPTION OF UNDIVIDED OR SPECIFIC SHARE OF LAND SOLD.** — 1. Any person claiming an undivided part of any land sold for taxes may redeem the same on paying such proportion of the purchase money, interest, penalty and subsequent taxes as he shall claim of the land sold.

2. Any person claiming an undivided share in any land out of which an undivided part shall have been sold for taxes, may redeem his undivided share by paying such portion of the purchase money, interest, penalty and subsequent taxes as he claims of the land sold.

3. Any person claiming a specific part of any lands sold for taxes may redeem his specific part by paying such proportion of the purchase money, interest, penalty and subsequent taxes as his quantity of ground shall bear to the whole quantity sold.

4. Any person claiming a specific part of any lands out of which an undivided part shall have been sold for taxes charged on the whole tract or lot, may redeem his specific part by paying such proportion of purchase money, interest, penalty and subsequent taxes as his quantity of ground shall bear to the whole quantity taxed.]

**[140.400. PARTIAL REDEMPTION — DUTY OF COLLECTOR.** — In every case where a partial redemption is asked for, pursuant to section 140.390, the county collector, upon the application of the redemptioner, after notice to the holder of the certificate, shall determine the proportion to be paid by the party applying to redeem, and his decision shall be final thereon. For his services in stating the proportion, the redemptioner shall pay him fifty cents; and in every case of a partial redemption, pursuant to said section, the quantity sold shall be reduced in proportion to the amount paid on such partial redemption, and the county collector shall convey accordingly.]

Approved July 3, 2003

## SB 296 [HS HCS SCS SB 296]

**EXPLANATION —** Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Requires the state board of education to offer two levels of professional teacher certification.**

AN ACT to repeal sections 161.092, 168.021, and 168.071, RSMo, and to enact in lieu thereof three new sections relating to educational standards.

### SECTION

#### A. Enacting clause.

161.092. Powers and duties of state board.

168.021. Issuance of teachers' licenses — effect of certification in another state and subsequent employment in this state.

168.071. Revocation, suspension or refusal of certificate or license, grounds — procedure — appeal.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 161.092, 168.021, and 168.071, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 161.092, 168.021, and 168.071, to read as follows:

**161.092. POWERS AND DUTIES OF STATE BOARD.** — The state board of education shall:

(1) Adopt rules governing its own proceedings and formulate policies for the guidance of the commissioner of education and the department of elementary and secondary education;

(2) Carry out the educational policies of the state relating to public schools that are provided by law and supervise instruction in the public schools;

(3) Direct the investment of all moneys received by the state to be applied to the capital of any permanent fund established for the support of public education within the jurisdiction of the department of elementary and secondary education and see that the funds are applied to the branches of educational interest of the state that by grant, gift, devise or law they were originally intended, and if necessary institute suit for and collect the funds and return them to their legitimate channels;

(4) Cause to be assembled information which will reflect continuously the condition and management of the public schools of the state;

(5) Require of county clerks or treasurers, boards of education or other school officers, recorders and treasurers of cities, towns and villages, copies of all records required to be made by them and all other information in relation to the funds and condition of schools and the management thereof that is deemed necessary;

(6) Provide blanks suitable for use by officials in reporting the information required by the board;

(7) When conditions demand, cause the laws relating to schools to be published in a separate volume, with pertinent notes and comments, for the guidance of those charged with the execution of the laws;

(8) Grant, without fee **except as provided in section 168.021, RSMo**, certificates of qualification and licenses to teach in any of the public schools of the state, establish requirements therefor, formulate regulations governing the issuance thereof, [including, upon an appropriate background check, provisional certification to a person who holds a valid teaching certificate from another state and has five years of teaching experience in the same school district in the curriculum area and approximate grade level in another state, providing for full certification upon the satisfactory completion of five years of teaching in Missouri public schools,] and cause the certificates to be revoked for the reasons and in the manner provided in section 168.071, RSMo;

(9) Classify the public schools of the state, subject to limitations provided by law, establish requirements for the schools of each class, and formulate rules governing the inspection and accreditation of schools preparatory to classification, **with such requirements taking effect not less than two years from the date of adoption of the proposed rule by the state board of education, provided that this condition shall not apply to any requirement for which a timeline for adoption is mandated in either federal or state law**;

(10) Make an annual report on or before the first Wednesday after the first day of January to the general assembly or, when it is not in session, to the governor for publication and transmission to the general assembly. The report shall be for the last preceding school year, and shall include:

(a) A statement of the number of public schools in the state, the number of pupils attending the schools, their sex, and the branches taught;

(b) A statement of the number of teachers employed, their sex, their professional training, and their average salary;

(c) A statement of the receipts and disbursements of public school funds of every description, their sources, and the purposes for which they were disbursed;

(d) Suggestions for the improvement of public schools; and

(e) Any other information relative to the educational interests of the state that the law requires or the board deems important;

(11) Make an annual report to the general assembly and the governor concerning coordination with other agencies and departments of government that support family literacy programs and other services which influence educational attainment of children of all ages;

(12) Require from the chief officer of each division of the department of elementary and secondary education, on or before the thirty-first day of August of each year, reports containing information the board deems important and desires for publication;

(13) Cause fifty copies of its annual report to be reserved for the use of each division of the state department of elementary and secondary education, and ten copies for preservation in the state library;

(14) Have other powers and duties prescribed by law.

**168.021. ISSUANCE OF TEACHERS' LICENSES — EFFECT OF CERTIFICATION IN ANOTHER STATE AND SUBSEQUENT EMPLOYMENT IN THIS STATE.** — 1. Certificates of license to teach in the public schools of the state shall be granted as follows:

(1) By the state board, under rules and regulations prescribed by it,

(a) Upon the basis of college credit;

(b) Upon the basis of examination;

(2) By the state board, under rules and regulations prescribed by the state board with advice from the advisory council established by section 168.015 to any individual who presents to the state board a valid [doctor of philosophy] **doctoral** degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of the examination required for graduation pursuant to [section 168.033 if appropriate] **rules adopted by the state board of education**, and shall be restricted to those certificates established pursuant to [subdivisions (1) and (2)] **subdivision (1)** of subsection [4] **3** of this section; or

(3) By the state board, which shall issue the professional certificate classification in both the general and specialized areas most closely aligned with the current areas of certification approved by the state board, commensurate with the years of teaching experience of the applicant, and based upon the following criteria:

(a) Recommendation of a state-approved baccalaureate-level teacher preparation program;

(b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated examinations will be issued a two-year nonrenewable provisional certificate; and

(c) Upon completion of a background check and possession of a valid teaching certificate in the state from which the applicant's teacher preparation program was completed.

2. All valid teaching certificates issued pursuant to law or state board policies and regulations prior to September 1, 1988, shall **be exempt from the professional development requirements of this section and shall** continue in effect until they expire, are revoked or suspended, as provided by law. When such certificates are required to be renewed, the state board or its designee shall grant to each holder of such a certificate the certificate most nearly equivalent to the one so held. **Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or continuous professional certificate shall, upon expiration of his or her current certificate, be issued the appropriate level of certificate based upon the classification system established pursuant to subsection 3 of this section.**

3. [Any teacher holding a third class county certificate in the state during the 1972-73 school year shall upon his written request be given an examination by a person designated by the state commissioner of education to determine his eligibility to be granted a certificate of license to teach. The examination shall be comparable to those given by county superintendents to eligible applicants prior to July 1, 1974. Upon successful completion of the examination the applicant shall be issued a certificate by the state board of education entitling the holder to teach in the public schools of the state for a period of three years. A request for such examination must be presented to the commissioner of education on or before March first of the year in which the examination is to be administered. The commissioner of education shall cause the examination

to be administered and the certificate issued to those successfully completing it prior to April first of the year in which the application for the examination was received.

4. After September 1, 1988,] Certificates of license to teach in the public schools of the state shall be based upon minimum requirements prescribed by the state board of education [which]. **The state board shall provide for the following levels of professional certification [including, but not limited to,]: an initial professional certificate and [culminating with] a career continuous professional certificate[:].**

(1) The initial professional certificate shall be issued upon completion of requirements established by the state board of education and shall be valid based upon verification of actual teaching within a specified time period established by the state board of education[:]. **The state board shall require holders of the four year initial professional certificate to:**

(a) **Participate in a mentoring program approved and provided by the district for a minimum of two years;**

(b) **Complete thirty contact hours of professional development, which may include hours spent in class in an appropriate college curriculum; and**

(c) **Participate in a beginning teacher assistance program;**

(2) [One or more levels of renewable professional certificates shall be issued upon verification of completion of criteria established by the state board of education;

(3)] (a) The **career** continuous professional certificate shall be issued upon verification of completion of [criteria, which shall not exceed a master's degree or its equivalent and ten years' employment in an educational position, established by the state board of education] **four years of teaching under the initial professional certificate and upon verification of the completion of the requirements articulated in paragraphs (a), (b), and (c) of subdivision (1) of this subsection.**

(b) The **career** continuous professional certificate shall be continuous based upon verification of actual employment in an educational position as provided for in state board guidelines[.] **and completion of fifteen contact hours of professional development per year which may include hours spent in class in an appropriate college curriculum. Should the possessor of a valid career continuous professional certificate fail, in any given year, to meet the fifteen-hour professional development requirement, the possessor may, within two years, make up the missing hours. In order to make up for missing hours, the possessor shall first complete the fifteen-hour requirement for the current year and then may count hours in excess of the current year requirement as make-up hours. Should the possessor fail to make up the missing hours within two years, the certificate shall become inactive. In order to reactivate the certificate, the possessor shall complete twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate. The requirements of this paragraph shall be monitored and verified by the local school district which employs the holder of the career continuous professional certificate.**

(c) A holder of a career continuous professional certificate shall be exempt from the professional development contact hour requirements of paragraph (b) of this subdivision if such teacher has a local professional development plan in place within such teacher's school district and meets two of the three following criteria:

a. Has ten years of teaching experience as defined by the state board of education;

b. Possesses a master's degree; or

c. Obtains a rigorous national certification as approved by the state board of education.

[5.] 4. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There shall also be established policies and procedures [for] **allowing** a teacher who has not been employed in an educational position for three years or more [for reasons other than reduction in force] **to**

reactivate his or her last level of certification by completing twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate.

[6.] 5. The state board shall, upon an appropriate background check, issue a professional certificate classification in the areas most closely aligned with an applicant's current areas of certification, commensurate with the years of teaching experience of the applicant, to any person who is hired to teach in a public school in this state and who possesses a valid teaching certificate from another state, provided that the certificate holder shall annually complete the state board's requirements for such level of certification, and shall establish policies by which residents of states other than the state of Missouri may be assessed a fee for a certificate license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach.

6. The state board may assess to holders of an initial professional certificate a fee, to be deposited into the excellence in education revolving fund established pursuant to section 160.268, RSMo, for the issuance of the career continuous professional certificate. However, such fee shall not exceed the combined costs of issuance and any criminal background check required as a condition of issuance.

7. Any member of the public school retirement system of Missouri who entered covered employment with ten or more years of educational experience in another state or states and held a certificate issued by another state and subsequently worked in a school district covered by the public school retirement system of Missouri for ten or more years who later became certificated in Missouri shall have that certificate dated back to his or her original date of employment in a Missouri public school.

**168.071. REVOCATION, SUSPENSION OR REFUSAL OF CERTIFICATE OR LICENSE, GROUNDS — PROCEDURE — APPEAL.** — 1. The state board of education may refuse to issue or renew a certificate, or may, upon hearing, discipline the holder of a certificate of license to teach for the following causes:

(1) A certificate holder or applicant for a certificate has pleaded to or been found guilty of a felony or crime involving moral turpitude under the laws of this state, any other state, of the United States, or any other country, whether or not sentence is imposed;

(2) The certification was obtained through use of fraud, deception, misrepresentation or bribery;

(3) There is evidence of incompetence, immorality, or neglect of duty by the certificate holder;

(4) A certificate holder has been subject to disciplinary action relating to certification issued by another state, territory, federal agency, or country upon grounds for which discipline is authorized in this section; or

(5) If charges are filed by the local board of education, based upon the annulling of a written contract with the local board of education, for reasons other than election to the general assembly, without the consent of the majority of the members of the board that is a party to the contract.

2. A public school district may file charges seeking the discipline of a holder of a certificate of license to teach based upon any cause or combination of causes outlined in subsection 1 of this section, including annulment of a written contract. Charges shall be in writing, specify the basis for the charges, and be signed by the chief administrative officer of the district, or by the president of the board of education as authorized by a majority of the board of education. The board of education may also petition the office of the attorney general to file charges on behalf of the school district for any cause other than annulment of contract, with acceptance of the petition at the discretion of the attorney general.

3. The department of elementary and secondary education may file charges seeking the discipline of a holder of a certificate of license to teach based upon any cause or combination of causes outlined in subsection 1 of this section, other than annulment of contract. Charges shall be in writing, specify the basis for the charges, and be signed by legal counsel representing the department of elementary and secondary education.

4. If the underlying conduct or actions which are the basis for charges filed pursuant to this section are also the subject of a pending criminal charge against the person holding such certificate, the certificate holder may request, in writing, a delayed hearing on advice of counsel under the fifth amendment of the Constitution of the United States. Based upon such a request, no hearing shall be held until after a trial has been completed on this criminal charge.

5. The certificate holder shall be given not less than thirty days' notice of any hearing held pursuant to this section.

6. Other provisions of this section notwithstanding, the certificate of license to teach shall be revoked or, in the case of an applicant, a certificate shall not be issued, if the certificate holder or applicant has pleaded guilty to or been found guilty of any of the following offenses established pursuant to Missouri law or offenses of a similar nature established under the laws of any other state or of the United States, or any other country, whether or not the sentence is imposed:

(1) Any dangerous felony as defined in section 556.061, RSMo, or murder in the first degree;

(2) Any of the following sexual offenses: rape; statutory rape in the first degree; statutory rape in the second degree; sexual assault; forcible sodomy; statutory sodomy in the first degree; statutory sodomy in the second degree; child molestation in the first degree; child molestation in the second degree; deviate sexual assault; sexual misconduct involving a child; sexual misconduct in the first degree; [or] sexual abuse; **enticement of a child; or attempting to entice a child;**

(3) Any of the following offenses against the family and related offenses: incest; abandonment of child in the first degree; abandonment of child in the second degree; endangering the welfare of a child in the first degree; abuse of a child; child used in a sexual performance; promoting sexual performance by a child; or trafficking in children; and

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree; promoting obscenity in the second degree when the penalty is enhanced to a class D felony; promoting child pornography in the first degree; promoting child pornography in the second degree; possession of child pornography in the first degree; possession of child pornography in the second degree; furnishing child pornography to a minor; furnishing pornographic materials to minors; or coercing acceptance of obscene material.

**7. When a certificate holder pleads guilty or is found guilty of any offense that would authorize the state board of education to seek discipline against that holder's certificate of license to teach, the local board of education or the department of elementary and secondary education shall immediately provide written notice to the state board of education and the attorney general regarding the plea of guilty or finding of guilty.**

[7.] 8. The certificate holder whose certificate was revoked pursuant to subsection 6 of this section may appeal such revocation to the state board of education. Notice of this appeal must be received by the commissioner of education within ninety days of notice of revocation pursuant to this subsection. Failure of the certificate holder to notify the commissioner of the intent to appeal waives all rights to appeal the revocation. Upon notice of the certificate holder's intent to appeal, an appeal hearing shall be held by a hearing officer designated by the commissioner of education, with the final decision made by the state board of education, based upon the record of that hearing. The certificate holder shall be given not less than thirty days' notice of the hearing, and an opportunity to be heard by the hearing officer, together with witnesses.

[8.] **9.** In the case of any certificate holder who has surrendered or failed to renew his or her certificate of license to teach, the state board of education may refuse to issue or renew, or may suspend or revoke, such certificate for any of the reasons contained in this section.

[9.] **10.** In those cases where the charges filed pursuant to this section are based upon an allegation of misconduct involving a minor child, the hearing officer may accept into the record the sworn testimony of the minor child relating to the misconduct received in any court or administrative hearing.

[10.] **11.** Hearings, appeals or other matters involving certificate holders, licensees or applicants pursuant to this section may be informally resolved by consent agreement or agreed settlement or voluntary surrender of the certificate of license pursuant to the rules promulgated by the state board of education.

[11.] **12.** The final decision of the state board of education is subject to judicial review pursuant to sections 536.100 to 536.140, RSMo.

[12.] **13.** A certificate of license to teach to an individual who has been convicted of a felony or crime involving moral turpitude, whether or not sentence is imposed, shall be issued only upon motion of the state board of education adopted by a unanimous affirmative vote of those members present and voting.

Approved June 26, 2003

## SB 298 [CCS HCS SS SCS SB 298]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

### **Revises liquor license requirements, operational restrictions, and enforcement provisions.**

AN ACT to repeal sections 311.080, 311.097, 311.098, 311.102, 311.195, 311.200, 311.260, 311.280, 311.290, 311.293, 311.325, 311.328, 311.360, 311.401, 311.480, 311.630, 312.407, and 312.410, RSMo, and to enact in lieu thereof twenty-two new sections relating to liquor control, with penalty provisions.

#### SECTION

- A. Enacting clause.
- 311.080. Sale of liquor prohibited near schools and churches, exceptions.
- 311.097. Restaurant bar and certain transient guest accommodations, Sunday sales, when — restaurant bar defined — temporary license, new business, when — sports stadium, certain counties, special provisions.
- 311.098. Amusement places, Sunday sales, when, limitation — amusement place defined — temporary license, new business, when.
- 311.102. Place of entertainment — Sunday sales by the drink on premises — place of entertainment defined — license requirements, fee (St. Louis City, Jackson County, St. Louis County, Kansas City).
- 311.195. Microbrewery, defined — license, fee — retail license allowed, procedure — sale to wholesalers allowed, when — certain exemptions, when.
- 311.200. Licenses — retail liquor dealers — fees — applications.
- 311.260. More than three licenses by any one person prohibited, exception.
- 311.280. Unlawful for licensed retailer to purchase from other than licensed wholesaler — prohibitions.
- 311.290. Time fixed for opening and closing premises — closed place defined — penalty.
- 311.293. Sunday sales, package liquor licensee allowed, hours, fee — city or county may also charge fee, limitations.
- 311.325. Purchase or possession by minor, a misdemeanor — container need not be opened and contents verified, when — burden of proof on violator to prove not intoxicating liquor.
- 311.328. Identification, acceptable forms.
- 311.360. Misrepresentation of brand of liquor unlawful, penalty.
- 311.401. Repossessed liquor, sale by lending institution, when — no license required.

- 311.480. Eating places, drinking of intoxicating and nonintoxicating liquor on premises, license required, when, hours — regulations — exceptions.
- 311.615. Division of alcohol and tobacco control established, duties.
- 311.630. Peace officers — authorized to make arrests for certain violations — method of selection — duty of supervisor.
- 312.407. Purchase or possession by minor, a misdemeanor — sealed containers need not be opened, when.
- 312.410. Sales prohibited between certain hours.
- 573.509. Adult cabaret, persons less than nineteen years of age prohibited from dancing, penalty.
  - 1. Labeling of kegs sold at retail for off-premise consumption, procedures.
  - 2. Sunday liquor sales by the drink, permitted when (St. Louis City, Kansas City).

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 311.080, 311.097, 311.098, 311.102, 311.195, 311.200, 311.260, 311.280, 311.290, 311.293, 311.325, 311.328, 311.360, 311.401, 311.480, 311.630, 312.407, and 312.410, RSMo, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 311.080, 311.097, 311.098, 311.102, 311.195, 311.200, 311.260, 311.280, 311.290, 311.293, 311.325, 311.328, 311.360, 311.401, 311.480, 311.615, 311.630, 312.407, 312.410, 573.509, 1 and 2, to read as follows:

**311.080. SALE OF LIQUOR PROHIBITED NEAR SCHOOLS AND CHURCHES, EXCEPTIONS.**

— 1. No license shall be granted for the sale of intoxicating liquor, as defined in this chapter, within one hundred feet of any school, church or other building regularly used as a place of religious worship, [unless the applicant for the license shall first obtain the consent in writing of the board of directors of the school, or the consent in writing of the majority of the managing board of the church or place of worship;] except that when a school, church or place of worship shall hereafter be established within one hundred feet of any place of business licensed to sell intoxicating liquor, the license shall not be denied [for lack of consent in writing as herein provided] **for this reason.**

2. The board of aldermen, city council or other proper authorities, of any incorporated city, town or village, may by ordinance, prohibit the granting of a license for the sale of intoxicating liquor within a distance as great as three hundred feet **of any school, church, or other building regularly used as a place of religious worship.** In such cases, and where the ordinance has been lawfully enacted, no license of any character shall [issue] **be issued** in conflict with the ordinance while it is in effect; except, that when a school, church or place of worship is established within the prohibited distance from any place of business licensed to sell intoxicating liquor, the license shall not be denied [for lack of consent in writing as herein provided] **for this reason.**

3. **Subsection 1 of this section shall not apply to a holder of a license issued pursuant to section 311.090, section 311.218, section 311.482, or to any premises holding a license issued before January 1, 2004, by the supervisor of alcohol and tobacco control for the sale of intoxicating liquor.**

**311.097. RESTAURANT BAR AND CERTAIN TRANSIENT GUEST ACCOMMODATIONS, SUNDAY SALES, WHEN — RESTAURANT BAR DEFINED — TEMPORARY LICENSE, NEW BUSINESS, WHEN — SPORTS STADIUM, CERTAIN COUNTIES, SPECIAL PROVISIONS.** — 1. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of control may issue, a license to sell intoxicating liquor, as in this chapter defined, between the hours of [11:00] **9:00** a.m. on Sunday and midnight on Sunday by the drink at retail for consumption on the premises of any restaurant bar as described in the application **or on the premises of any establishment having at least forty rooms for the overnight accommodations of transient guests.** As used in this section, the term "restaurant bar" means any establishment having a

restaurant or similar facility on the premises at least fifty percent of the gross income of which is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least two hundred thousand dollars from the sale of prepared meals or food consumed on such premises.

2. The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to a restaurant bar **or on the premises of any establishment having at least forty rooms for the overnight accommodations of transient guests** in the same manner as they apply to establishments licensed under sections 311.085, 311.090 and 311.095, and in addition to all other fees required by law, a restaurant bar **or on the premises of any establishment having at least forty rooms for the overnight accommodations of transient guests** shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other license fees.

3. Any new restaurant bar having been in operation for less than ninety days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of [11:00] **9:00** a.m. and midnight on Sunday for a period not to exceed ninety days if the restaurant bar can show a projection of annual business from prepared meals or food consumed on the premises of at least fifty percent of the total gross income of the restaurant bar for the year or can show a projection of annual business from prepared meals or food consumed on the premises which would exceed not less than two hundred thousand dollars. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.

4. In counties of the first class having a charter form of government and which contain all or a part of a city having a population of at least three hundred fifty thousand, any restaurant bar licensed under the provisions of this section which is located on the grounds of a sports stadium primarily used for professional sporting events may sell intoxicating liquor by the drink at retail for consumption within the premises of the restaurant bar on Sunday between the hours of [11:00] **8:00** a.m. and 12:00 midnight notwithstanding the hours of limitation set forth in subsection 1 of this section.

5. The provisions of this section regarding the time of closing shall not apply to any person who possesses a special permit issued under section 311.174, 311.176, or 311.178.

**311.098. AMUSEMENT PLACES, SUNDAY SALES, WHEN, LIMITATION — AMUSEMENT PLACE DEFINED — TEMPORARY LICENSE, NEW BUSINESS, WHEN. —** 1. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of [liquor] **alcohol and tobacco** control may issue, a license to sell intoxicating liquor, as defined in this chapter, between the hours of [11:00 a.m.] **9:00 a.m.** and midnight on Sunday by the drink at retail for consumption on the premises of any amusement place as described in the application. As used in this section the term "amusement place" means any establishment whose business building contains a square footage of at least six thousand square feet, and where games of skill commonly known as billiards, volleyball, indoor golf, bowling or soccer are usually played, or has a dance floor of at least two thousand five hundred square feet, or any outdoor golf course with a minimum of nine holes, and which has annual gross receipts of at least one hundred thousand dollars of which at least fifty thousand dollars of such gross receipts is in nonalcoholic sales.

2. The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to an amusement place in the same manner as they apply to establishments licensed under sections 311.085, 311.090 and 311.095, and in addition to all other fees required by law, an amusement place shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other fees.

3. Any new amusement place having been in operation for less than ninety days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of [11:00 a.m.] **9:00 a.m.** and midnight on Sunday for a period not to exceed ninety days if the amusement place can show a projection of gross receipts of at least one hundred thousand dollars of which at least fifty thousand dollars of such gross receipts are in nonalcoholic sales for the first year of operation. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.

**311.102. PLACE OF ENTERTAINMENT — SUNDAY SALES BY THE DRINK ON PREMISES — PLACE OF ENTERTAINMENT DEFINED — LICENSE REQUIREMENTS, FEE (ST. LOUIS CITY, JACKSON COUNTY, ST. LOUIS COUNTY, KANSAS CITY).** — 1. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who meets the requirements of and complies with the provisions of this chapter may apply for, and the supervisor of [liquor] **alcohol and tobacco** control may issue, a license to sell intoxicating liquor by the drink at retail for consumption on the premises of any place of entertainment, as defined in this section, between the hours of [11:00 a.m.] **9:00 a.m.** on Sunday and midnight on Sunday. As used in this section, the term "place of entertainment" means any establishment located in a city not within a county or in a county of the first classification having a charter form of government with a population of at least nine hundred thousand or more inhabitants or in a county of the first classification having a charter form of government containing any portion of a city with a population of three hundred eighty thousand or more or in any city with a population of three hundred eighty thousand or more which is located in more than one county [which has occupancy capacity for patrons of at least three hundred and] which has gross annual sales in excess of two hundred fifty thousand dollars and the establishment has been in operation for at least one year.

2. The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to a place of entertainment in the same manner as they apply to establishments licensed pursuant to sections 311.085, 311.090, and 311.095, and in addition to all other fees required by law, a place of entertainment shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other license fees.

**311.195. MICROBREWERY, DEFINED — LICENSE, FEE — RETAIL LICENSE ALLOWED, PROCEDURE — SALE TO WHOLESALERS ALLOWED, WHEN — CERTAIN EXEMPTIONS, WHEN.** — 1. As used in this section, the term "microbrewery" means a business whose primary activity is the brewing and selling of beer, with an annual production of ten thousand barrels or less.

2. A microbrewer's license shall authorize the licensee to manufacture beer and malt liquor in quantities not to exceed ten thousand barrels per annum. In lieu of the charges provided in section 311.180, a license fee of five dollars for each one hundred barrels or fraction thereof, up to a maximum license fee of two hundred fifty dollars, shall be paid to and collected by the director of revenue.

3. Notwithstanding any other provision of this chapter or chapter 312, RSMo, to the contrary, the holder of a microbrewer's license may apply for, and the supervisor of [liquor] **alcohol and tobacco** control may issue, a license to sell intoxicating liquor by the drink at retail for consumption on the [brewery] premises [and in the original package for off-premises consumption]. **No holder of a microbrewer's license, or any employee, officer, agent, subsidiary, or affiliate thereof, shall have more than ten licenses to sell intoxicating liquor by the drink at retail for consumption on the premises.** The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to the holder of a license issued under the provisions of this section in the same manner as they

apply to establishments licensed under the provisions of section 311.085, 311.090, 311.095, or 311.097.

4. The holder of a microbrewer's license may also sell beer and malt liquor produced on the brewery premises to duly licensed wholesalers. However, holders of a microbrewer's license shall not, under any circumstances, directly or indirectly, have any financial interest in any wholesaler's business, and all such sales to wholesalers shall be subject to the restrictions of sections 311.181 and 311.182.

**5. A microbrewer who is a holder of a license to sell intoxicating liquor by the drink at retail for consumption on the premises shall be exempt from the provisions of section 311.280 for such intoxicating liquor that is produced on the premises in accordance with the provisions of this chapter. For all other intoxicating liquor sold by the drink at retail for consumption on the premises that the microbrewer possesses a license for, must be obtained in accordance with section 311.280.**

**311.200. LICENSES — RETAIL LIQUOR DEALERS — FEES — APPLICATIONS.** — 1. No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one or more of the following businesses: A drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such person who does not have and keep in his store a stock of goods having a value according to invoices of at least one thousand dollars, exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this law. For every license for sale at retail in the original package, the licensee shall pay to the director of revenue the sum of one hundred dollars per year.

2. For a permit authorizing the sale of malt liquor containing alcohol in excess of three and two-tenths percent by weight and not in excess of five percent by weight by grocers and other merchants and dealers in the original package direct to consumers but not for resale, [fifteen] **a fee of fifty dollars per year payable to the director of the department of revenue shall be required.** The phrase "original package" shall be construed and held to refer to any package containing three or more standard bottles of beer. This license shall also permit the holders thereof to sell nonintoxicating beer in the original package direct to consumers, but not for resale. **Notwithstanding the provisions of section 311.290, any person licensed pursuant to this subsection may also sell malt liquor at retail between the hours of 9:00 a.m. and midnight on Sunday.**

3. **For every license issued for the sale of malt liquor at retail by drink for consumption on the premises where sold, the licensee shall pay to the director of revenue the sum of fifty dollars per year, which license shall also permit the holder thereof to sell nonintoxicating beer as defined in chapter 312, RSMo. Notwithstanding the provisions of section 311.290, any person licensed pursuant to this subsection may also sell malt liquor at retail between the hours of 9:00 a.m. and midnight on Sunday.**

4. For every license issued for the sale of malt liquor and light wines containing not in excess of fourteen percent of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables, at retail by the drink for consumption on the premises where sold, the licensee shall pay to the director of revenue the sum of [thirty-five] **fifty** dollars per year, which license shall also permit the holder thereof to sell nonintoxicating beer as defined in chapter 312, RSMo.

[4.] **5.** For every license issued for the sale of all kinds of intoxicating liquor, at retail by the drink for consumption on premises of the licensee, the licensee shall pay to the director of revenue the sum of three hundred dollars per year, which shall include the sale of intoxicating liquor in the original package.

[5.] **6.** For every license issued to any railroad company, railway sleeping car company operated in this state, for sale of all kinds of intoxicating liquor, as defined in this chapter, at retail for consumption on its dining cars, buffet cars and observation cars, the sum of one hundred dollars per year; except that such license shall not permit sales at retail to be made while such cars are stopped at any station. A duplicate of such license shall be posted in every car where such beverage is sold or served, for which the licensee shall pay a fee of one dollar for each duplicate license.

[6.] **7.** All applications for licenses shall be made upon such forms and in such manner as the supervisor of [liquor] **alcohol and tobacco** control shall prescribe. No license shall be issued until the sum prescribed by this section for such license shall be paid to the director of revenue.

**311.260. MORE THAN THREE LICENSES BY ANY ONE PERSON PROHIBITED, EXCEPTION.**

— **1.** No person [or], corporation, [or any], employee, officer, agent, subsidiary, or affiliate thereof, shall:

- (1) Have more than three licenses[, nor]; or
- (2) Be directly or indirectly interested in any business of any other person [or], corporation, or [of any], employee, officer, agent, subsidiary, or affiliate thereof, [to sell] **who sells** intoxicating liquor, at retail by the drink for consumption on the premises described in any license[, nor shall any]; or
- (3) Sell intoxicating liquor [be sold] at retail by the drink for consumption at the place of sale at more than three places in this state[, by any person or corporation, or by any employee, officer, agent, subsidiary, or affiliate thereof, except that.].

**2.** Notwithstanding any other provision of this chapter or municipal ordinance to the contrary, [in] **for the purpose of** determining whether [any] **a** person, corporation, [or any] employee, officer, agent, subsidiary, or affiliate thereof, has a disqualifying interest in more than three licenses **pursuant to subsection 1 of this section**, there shall not be counted any license to sell intoxicating liquor at retail by the drink for consumption on **the following** premises [which include a restaurant]:

- (1) Restaurants where at least fifty percent of the gross income of which is derived from the sale of prepared meals or food consumed on **the** premises where sold; or
- (2) **Establishments** which [has] **have** an annual gross income of at least two hundred thousand dollars from the sale of prepared meals or food consumed on **the** premises where sold[, or which include a facility]; or
- (3) **Facilities designed** for the performance of live entertainment and where the receipts for admission to such performances exceed one hundred thousand dollars per calendar year; **or**
- (4) **Any establishment having at least forty rooms for the overnight accommodation of transient guests.**

**311.280. UNLAWFUL FOR LICENSED RETAILER TO PURCHASE FROM OTHER THAN LICENSED WHOLESALER — PROHIBITIONS.** — **1.** It shall be unlawful for any person in this state holding a retail liquor license to purchase any intoxicating liquor except from, by or through a duly licensed wholesale liquor dealer in this state. It shall be unlawful for such retail liquor dealer to sell or offer for sale any intoxicating liquor purchased in violation of the provisions of this section. Any person violating any provision of this section shall be deemed guilty of a misdemeanor.

**2. Any retailer licensed pursuant to this chapter shall not:**

- (1) **Sell intoxicating liquor or nonintoxicating beer with an alcohol content of less than five percent by weight to the consumer in an original carton received from the wholesaler that has been mutilated, torn apart, or cut apart; or**
- (2) **Repackage intoxicating liquor or nonintoxicating beer with an alcohol content of less than five percent by weight in a manner misleading to the consumer or that results in required labeling being omitted or obscured.**

**311.290. TIME FIXED FOR OPENING AND CLOSING PREMISES — CLOSED PLACE DEFINED — PENALTY.** — [1.] No person having a license [under this law] **issued pursuant to this chapter or chapter 312, RSMo**, nor any employee of such person, [except as provided in subsection 2 of this section,] shall sell, give away, or [otherwise dispose of, or suffer the same to be done upon or about his premises] **permit the consumption of**, any intoxicating liquor in any quantity between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday, **upon or about his or her premises**. If the person has a license to sell intoxicating liquor by the drink, his premises shall be and remain a closed place as defined in this section between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday. Where such licenses authorizing the sale of intoxicating liquor by the drink are held by clubs or hotels, this section shall apply only to the room or rooms in which intoxicating liquor is dispensed; and where such licenses are held by restaurants whose business is conducted in one room only and substantial quantities of food and merchandise other than intoxicating liquors are dispensed, then the licensee shall keep securely locked during the hours and on the days specified in this section all refrigerators, cabinets, cases, boxes, and taps from which intoxicating liquor is dispensed. A "closed place" is defined to mean a place where all doors are locked and where no patrons are in the place or about the premises. Any person violating any provision of this section shall be deemed guilty of a class A misdemeanor. Nothing in this section shall be construed to prohibit the sale or delivery of any intoxicating liquor during any of the hours or on any of the days specified in this section by a wholesaler licensed under the provisions of section 311.180 to a person licensed to sell the intoxicating liquor at retail.

[2. Any person licensed pursuant to section 311.200 shall not be permitted to sell, give away, or otherwise dispose of, or suffer the same to be done upon or about his premises, any intoxicating liquor in any quantity between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday.]

**311.293. SUNDAY SALES, PACKAGE LIQUOR LICENSEE ALLOWED, HOURS, FEE — CITY OR COUNTY MAY ALSO CHARGE FEE, LIMITATIONS.** — 1. Notwithstanding the provisions of [section 311.290 or] any [other] law to the contrary, any person possessing the qualifications and meeting the requirements of this chapter, who is licensed to sell intoxicating liquor in the original package at retail [under] **pursuant to** section 311.200, may apply to the supervisor of [liquor] **alcohol and tobacco** control for a special license to sell intoxicating liquor in the original package at retail between the hours of [11:00 a.m.] **9:00 a.m.** and midnight on Sundays. A licensee under this section shall pay to the director of revenue an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other license fees.

2. In addition to any fee collected pursuant to section 311.220, a city or county may charge and collect an additional fee not to exceed three hundred dollars from any licensee under this section for the privilege of selling intoxicating liquor in the original package at retail between the hours of [11:00] **9:00** a.m. and midnight on Sundays in such city or county; however the additional fee shall not exceed the fee charged by that city or county for a special license issued pursuant to any provision of this chapter which allows a licensee to sell intoxicating liquor by the drink for consumption on the premises of the licensee on Sundays.

**311.325. PURCHASE OR POSSESSION BY MINOR, A MISDEMEANOR — CONTAINER NEED NOT BE OPENED AND CONTENTS VERIFIED, WHEN — BURDEN OF PROOF ON VIOLATOR TO PROVE NOT INTOXICATING LIQUOR.** — 1. Any person under the age of twenty-one years, who purchases or attempts to purchase, or has in his possession, any intoxicating liquor as defined in section 311.020 is guilty of a misdemeanor. For purposes of prosecution under this section or any other provision of this chapter involving an alleged illegal sale or transfer of intoxicating liquor to a person under twenty-one years of age, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that

there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

**2. For purposes of determining violations of any provision of this chapter, or of any rule or regulation of the supervisor of alcohol and tobacco control, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.**

**311.328. IDENTIFICATION, ACCEPTABLE FORMS.** — 1. [The] **A valid and unexpired** operator's or chauffeur's license issued under the provisions of section 302.177, RSMo, or [the] **a valid and unexpired** operator's or chauffeur's license issued under the laws of [the states of Arkansas, Illinois, Oklahoma, Kansas, or Iowa] **any state or territory of the United States** to residents of those states **or territories**, or [an] **a valid and unexpired** identification card as provided for under section 302.181, RSMo, or [the] **a valid and unexpired** identification card issued by any uniformed service of the United States, or a valid **and unexpired** passport shall be presented by the holder thereof upon request of any agent of the division of [liquor] **alcohol and tobacco control** or any licensee or the servant, agent or employee thereof for the purpose of aiding the licensee or the servant, agent or employee to determine whether or not the person is at least twenty-one years of age when such person desires to purchase or consume alcoholic beverages procured from a licensee. Upon such presentation the licensee or the servant, agent or employee thereof shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.

2. Upon proof by the licensee of full compliance with the provisions of this section, no penalty shall be imposed if the supervisor of the division of [liquor] **alcohol and tobacco control** or the courts are satisfied that the licensee acted in good faith.

3. Any person who shall, without authorization from the department of revenue, reproduce, alter, modify, or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than one thousand dollars, and confinement for not more than one year, or by both such fine and imprisonment.

**311.360. MISREPRESENTATION OF BRAND OF LIQUOR UNLAWFUL, PENALTY.** — [1.] No person holding a license or permit shall sell malt liquor, or any other intoxicating liquor in this state, or shall offer for sale any such malt liquor, or other intoxicating liquor, whatsoever, brewed, manufactured or distilled by one manufacturer, in substitution for, or with the representation that any such malt liquor or other intoxicating liquor, is the product of any other brewer, manufacturer or distiller. Whosoever shall violate the provisions of this section shall be deemed guilty of a misdemeanor.

[2. Any malt liquor which is offered for sale in this state and manufactured at other than a facility owned by the person whose name appears on the label of the container shall include on the label the name and location of the owner of the facility which produced and packaged the malt liquor. This subsection shall become effective January 1, 1997.]

**311.401. REPOSSESSED LIQUOR, SALE BY LENDING INSTITUTION, WHEN — NO LICENSE REQUIRED.** — Any lending institution doing business with any distiller, wholesaler, winemaker, brewer, or retailer in Missouri duly licensed under this chapter shall have the right to sell

intoxicating liquor which such lending institution has repossessed to a retailer duly licensed under this chapter, with the approval of the supervisor of [liquor] **alcohol and tobacco** control, provided such liquor was originally taken as collateral for a business loan. No license or permit shall be required for such sale, and such sale shall be limited to cases, kegs, or barrels of such liquor, and any leftover unopened containers. Such transaction shall be subject to the provisions of chapter 400, RSMo. As used in this section, the term "lending institution" means any bank or trust company incorporated under the laws of this state or of the United States[, any savings and loan association incorporated under the laws of this state or under federal charter, any credit union operating under the laws of this state or the United States, and any other person, firm, or corporation authorized to make business loans in this state and to take collateral therefor].

**311.480. EATING PLACES, DRINKING OF INTOXICATING AND NONINTOXICATING LIQUOR ON PREMISES, LICENSE REQUIRED, WHEN, HOURS — REGULATIONS — EXCEPTIONS. — 1.**

It shall be unlawful for any person operating any premises where food, beverages or entertainment are sold or provided for compensation, who does not possess a license for the sale of intoxicating liquor **or nonintoxicating beer**, to permit the drinking or consumption of intoxicating liquor **or nonintoxicating beer**, in [, on, or about] the premises [between 10:00 p.m. and 6:00 a.m. the following day], without having a license as in this section provided.

2. Application for such license shall be made to the supervisor of [liquor] **alcohol and tobacco** control on forms to be prescribed by him, describing the premises to be licensed and giving all other reasonable information required by the form. The license shall be issued upon the payment of the fee required in this section. A license shall be required for each separate premises and shall expire on the thirtieth day of June next succeeding the date of such license. The license fee shall be sixty dollars per year and the applicant shall pay five dollars for each month or part thereof remaining from the date of the license to the next succeeding first of July. Applications for renewals of licenses shall be filed on or before the first of May of each year.

3. The drinking or consumption of intoxicating liquor **or nonintoxicating beer** shall not be permitted in or [,] upon [, or about] the licensed premises by any person under twenty-one years of age, or by any other person between the hours of 1:30 a.m. and 6:00 a.m. on any weekday, and between the hours of [12:00 midnight Saturday] **1:30 a.m. Sunday** and [12:00 midnight Sunday] **6:00 a.m. Monday**. Licenses issued hereunder shall be conditioned upon the observance of the provisions of this section and the regulations promulgated thereunder governing the conduct of premises licensed for the sale of intoxicating liquor **or nonintoxicating beer** by the drink. The provision of this section regulating the drinking or consumption of intoxicating liquor **or nonintoxicating beer** between certain hours and on Sunday shall apply also to premises licensed under this chapter to sell intoxicating liquor **or nonintoxicating beer** by the drink. In any incorporated city having a population of more than twenty thousand inhabitants, the board of aldermen, city council, or other proper authorities of incorporated cities may, in addition to the license fee required in this section, require a license fee not exceeding three hundred dollars per annum, payable to the incorporated cities, and provide for the collection thereof; make and enforce ordinances regulating the hours of consumption of intoxicating liquors **or nonintoxicating beer** on premises licensed hereunder, not inconsistent with the other provisions of this law, and provide penalties for the violation thereof. No person shall be granted a license hereunder unless such person is of good moral character and a qualified legal voter and a taxpaying citizen of the county, town, city or village, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying citizen of the county, town, city or village.

4. Any premises operated in violation of the provisions of this section, or where intoxicating liquor **or nonintoxicating beer** is consumed in violation of this section, is hereby declared to be a public and common nuisance, and it shall be the duty of the supervisor of [liquor] **alcohol and tobacco** control and of the prosecuting or circuit attorney of the city of St. Louis, and the prosecuting attorney of the county in which the premises are located, to enjoin such nuisance.

5. Any person operating any premises, or any employee, agent, representative, partner, or associate of such person, who shall knowingly violate any of the provisions of this section, or any of the laws or regulations herein made applicable to the conduct of such premises, is guilty of a class A misdemeanor.

6. The supervisor of [liquor] **alcohol and tobacco** control is hereby empowered to promulgate regulations necessary or reasonably designed to enforce or construe the provisions of this section, and is empowered to revoke or suspend any license issued hereunder, as provided in this chapter, for violation of this section or any of the laws or regulations herein made applicable to the conduct of premises licensed hereunder.

7. Nothing in this section shall be construed to prohibit the sale or delivery of any intoxicating liquor **or nonintoxicating beer** during any of the hours or on any of the days specified in this section by a wholesaler licensed under the provisions of section 311.180 to a person licensed to sell the intoxicating liquor or nonintoxicating beer at retail.

8. No intoxicating liquor **or nonintoxicating beer** may be served or sold on any premises used as a polling place on election day.

**311.615. DIVISION OF ALCOHOL AND TOBACCO CONTROL ESTABLISHED, DUTIES.** — There shall be a division within the department of public safety known as the "Division of Alcohol and Tobacco Control", which shall have as its chief executive officer the supervisor of alcohol and tobacco control appointed pursuant to section 311.610. All references to the division of alcohol and tobacco control and the supervisor of alcohol and tobacco control in the statutes shall mean the division of alcohol and tobacco control and supervisor of alcohol and tobacco control.

**311.630. PEACE OFFICERS — AUTHORIZED TO MAKE ARRESTS FOR CERTAIN VIOLATIONS — METHOD OF SELECTION — DUTY OF SUPERVISOR.** — 1. The supervisor of [liquor] **alcohol and tobacco** control and employees to be selected and designated as peace officers by the supervisor of [liquor] **alcohol and tobacco** control are hereby declared to be peace officers of the state of Missouri, with full power and authority to make arrests **and searches and seizures** only for violations of the provisions of chapters 311 and 312, RSMo, relating to intoxicating liquors and nonintoxicating beer, [and to make searches and seizures thereunder,] **and sections 407.924 to 407.934, RSMo, relating to tobacco products,** and to serve any process connected with the enforcement of such laws. The peace officers so designated shall have been previously appointed and qualified under the provisions of section 311.620 and shall [have completed the mandatory standards for the basic training and certification of peace officers established by the peace officers standards and training commission] **be required to hold a valid peace officer license pursuant to chapter 590, RSMo.**

2. The supervisor of [liquor] **alcohol and tobacco** control shall furnish such peace officers with credentials showing their authority and a special badge, which they shall carry on their person at all times while on duty. The names of the peace officers so designated shall be made a matter of public record in the office of the supervisor of [liquor] **alcohol and tobacco** control.

3. All fees for the arrest and transportation of persons arrested and for the service of writs and process shall be the same as provided by law in criminal proceedings and shall be taxed as costs.

**312.407. PURCHASE OR POSSESSION BY MINOR, A MISDEMEANOR — SEALED CONTAINERS NEED NOT BE OPENED, WHEN.** — 1. Any person under the age of twenty-one years, who purchases or attempts to purchase, or has in his possession, any nonintoxicating beer as defined in section 312.010, is guilty of a misdemeanor. For purposes of prosecution under this section or any other provision of this chapter involving an alleged illegal sale or transfer of nonintoxicating beer to a person under twenty-one years of age, a manufacturer-sealed container

describing that there is nonintoxicating beer therein need not be opened or the contents therein tested to verify that there is nonintoxicating beer in such container. The alleged violator may allege that there was not nonintoxicating beer in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is nonintoxicating beer therein contains nonintoxicating beer.

**2. For purposes of determining violations of any provisions of this chapter or of any rule or regulation of the supervisor of alcohol and tobacco control, a manufacturer-sealed container describing that there is nonintoxicating beer therein need not be opened or the contents therein tested to verify that there is nonintoxicating beer in such container. The alleged violator may allege that there was not nonintoxicating beer in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is nonintoxicating beer therein contains nonintoxicating beer.**

**312.410. SALES PROHIBITED BETWEEN CERTAIN HOURS.** — No person having a license under the provisions of this chapter, shall sell, give away or [otherwise dispose of, or suffer the same to be done, upon or about his premises] **permit the consumption of**, any nonintoxicating beer in any quantity between the hours of one-thirty a.m., and six a.m., **upon or about his or her premises**, and any person violating any provision of this section shall be deemed guilty of a misdemeanor and shall be punished by imprisonment in the county jail for a term of not more than one year, or by a fine of not less than fifty dollars nor more than one thousand dollars or by both such fine and jail sentence.

**573.509. ADULT CABARET, PERSONS LESS THAN NINETEEN YEARS OF AGE PROHIBITED FROM DANCING, PENALTY.** — **1. No person less than nineteen years of age shall dance in an adult cabaret as defined in section 573.500, nor shall any proprietor of such establishment permit any person less than nineteen years of age to dance in an adult cabaret.**

**2. Any person who violates the provisions of subsection 1 of this section is guilty of a class A misdemeanor.**

**SECTION 1. LABELING OF KEGS SOLD AT RETAIL FOR OFF-PREMISE CONSUMPTION, PROCEDURES.**— **1. As used in this section, the following terms shall mean:**

(1) "Keg", any container capable of holding four gallons or more of beer, wine, or intoxicating liquor and which is designed to dispense beer, wine, or intoxicating liquor directly from the container for purposes of consumption;

(2) "Supervisor of alcohol and tobacco control", the person appointed pursuant to section 311.610, RSMo.

**2. Each keg sold at retail for off-premise consumption shall be labeled with the name and address of the retail licensee and an identification number. The division of alcohol and tobacco control may prescribe the form of the labels to be used for this purpose. The label shall be affixed to a recyclable tag that is attached to the handle on the top chime of the keg. The label and recyclable tag shall be supplied by the division of alcohol and tobacco control without fee and securely affixed to the keg by the licensee making the sale.**

**3. Each retail licensee shall require each keg purchaser to present positive identification at the time of purchase. The licensee shall record for each keg sale the date of sale, the size of keg, any applicable keg identification number if available, the amount of container deposit, the name, address, and date of birth of the purchaser, and the form of identification presented by such purchaser. The purchaser shall sign a statement at the time of purchase attesting to the accuracy of the purchaser's name and address and acknowledging that misuse of the keg or its contents may result in civil liability, criminal**

prosecution, or both. The licensee shall retain the identification form for a minimum of three months following the sale of the keg.

4. The licensee shall not refund a deposit for a keg that is returned without the required label and identification number intact and legible. The licensee shall record the date of return of the keg and the condition of the label and identification number on the identification form required pursuant to subsection 2 of this section. The licensee may retain any deposit not refunded for this reason. Upon the return of a properly labeled keg from a consumer, the licensee shall remove the tag from the keg and retain such tag with the identification form as required pursuant to subsection 2 of this section. This requirement shall not apply to permanent identification numbers or other forms of identification placed on the keg by a manufacturer.

5. The supervisor shall promulgate rules and regulations for the administration of this section and shall design all necessary forms. No rule, regulation, or portion of a rule or regulation promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

6. The provisions of this section shall become effective on July 1, 2004.

7. This section shall fully preempt and supersede any ordinances, rules, or regulations made by any city, county, or other political subdivision of the state of Missouri which regulate the selling, labeling, or registering of kegs. This section shall not impose any new or additional civil or criminal liability upon the retail licensee.

**SECTION 2. SUNDAY LIQUOR SALES BY THE DRINK, PERMITTED WHEN (ST. LOUIS CITY, KANSAS CITY).** —Any establishment possessing or qualifying for a license to sell intoxicating liquor by the drink at retail in any city not within a county, any home rule city with more than four hundred thousand inhabitants and located in more than one county and if such establishment is also located in a resort area, convention trade area, or enterprise zone area, the establishment may apply for a Sunday by the drink license between the hours of 9:00 a.m. and midnight on Sunday. The business establishment's annual gross receipts for the year immediately preceding the application for the Sunday by the drink license shall not have been less than one hundred fifty thousand dollars of which at least sixty thousand dollars of such gross receipts is in non-alcoholic sales. Any new licensee possessing a license to sell intoxicating liquor by the drink at retail may apply for a temporary Sunday by the drink license and shall show a projection of annual gross receipts of not less than one hundred fifty thousand dollars of which at least sixty thousand dollars of such gross receipts is in non-alcoholic sales. The license fee for such Sunday by the drink license shall be six hundred dollars per year. The license fee shall be prorated for the period of the license based on the cost of the annual license for the establishment.

Approved July 9, 2003

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SB 299 [CCS HS SCS SB 299 & 40]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Requires performance-based budgeting and creates the Sunset Act.**

AN ACT to repeal sections 33.210, 33.270, 33.800, 33.803, 33.805, 33.807, and 33.810, RSMo, and to enact in lieu thereof twenty-two new sections relating to performance-based budgeting.

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## SECTION

- A. Enacting clause.
- 23.250. Title.
- 23.253. New programs to sunset, when — definitions — reauthorized programs, effect of — review of programs, when.
- 23.256. Information to be reported by agencies to joint committee on legislative research, when.
- 23.259. Sunset of programs, duties of the committee.
- 23.262. Public hearings conducted for sunset programs, when.
- 23.265. Report to general assembly on sunset programs, content.
- 23.268. Criteria considered by committee.
- 23.271. Program reports, content — portions of report to be submitted to state auditor.
- 23.274. Exemption for certain agencies, when.
- 23.277. Monitoring of legislation during session.
- 23.280. Sunset act not to prohibit certain activities of the general assembly.
- 23.283. Sunset program to continue until when, procedures for terminated programs.
- 23.292. State agencies and officers to provide assistance to committee, when.
- 23.295. Division of workforce development to assist displaced employees.
- 23.298. Rights and duties not affected by sunset of programs.
- 33.210. Budget director to assist governor in preparation of budget — performance-based budgeting system to be developed.
- 33.270. Budget to legislature in printed form — contents.
- 33.800. Procedure to be established for performance-based review of state agencies.
- 33.803. Performance-based review procedure — selection of department or agency, how determined.
- 33.805. Department or agency selected for performance-based review, appropriation requests, procedure, duties of agency.
- 33.807. Access to all records and assistance to house and senate committees, exceptions.
- 33.810. Analysis team to be formed, members selection — expenses, how paid — duties of team — review to begin and end when.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 33.210, 33.270, 33.800, 33.803, 33.805, 33.807, and 33.810, RSMo, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 23.250, 23.253, 23.256, 23.259, 23.262, 23.265, 23.268, 23.271, 23.274, 23.277, 23.280, 23.283, 23.292, 23.295, 23.298, 33.210, 33.270, 33.800, 33.803, 33.805, 33.807, and 33.810, to read as follows:

**23.250. TITLE.** — Sections 23.250 to 23.298 shall be known and may be cited as the "Missouri Sunset Act".

**23.253. NEW PROGRAMS TO SUNSET, WHEN — DEFINITIONS — REAUTHORIZED PROGRAMS, EFFECT OF — REVIEW OF PROGRAMS, WHEN.** — 1. As used in sections 23.250 to 23.298, the following terms mean:

- (1) "Agency", any department, division, or agency of the state responsible for the administration of a program;
- (2) "Committee", the committee on legislative research established in section 35, article III, Constitution of Missouri and section 23.010;
- (3) "Program", a distinct and coherent set of activities authorized by the general assembly through the legislative process intended to affect a clearly definable target group, problem, or issue and which can be appropriated through the budget process or nonappropriated, as in the case of tax credits;
- (4) "Sunset", the termination of legislative authorization of a program.

2. After August 28, 2003, any new program authorized by the general assembly shall sunset not more than six years after its effective date unless reauthorized by an act of the general assembly. No funds may be expended on a program after its authorization has terminated. Legislation passed after August 28, 2003, shall indicate whether it contains a program subject to the Missouri sunset act. Any such program shall have a sunset clause clearly indicating the date of termination without reauthorization.

3. Any program reauthorized by the general assembly pursuant to this section shall include a provision specifying that the program shall sunset at a date not more than twelve years from the effective date of the program's reauthorization.

4. Any program to which money was appropriated prior to August 28, 2003, may at any time be subject to review of the committee by a majority vote of its members for the purpose of recommending to the general assembly its continuation or sunset. The committee shall conduct public hearings concerning but not limited to the application to the program of the criteria provided in section 23.268, and shall issue a report pursuant to subsection one of section 23.271. The committee may recommend to the general assembly by a majority vote of its members that a program under review, to which money was appropriated prior to August 28, 2003, be sunset, continued, or reorganized. The committee shall submit such recommendation to all members of the general assembly within thirty calendar days of the vote in which such recommendation is made.

**23.256. INFORMATION TO BE REPORTED BY AGENCIES TO JOINT COMMITTEE ON LEGISLATIVE RESEARCH, WHEN.** — Before October thirtieth of the second calendar year prior to the year in which a state program subject to sections 23.250 to 23.298 is scheduled to sunset, the agency shall report to the committee:

- (1) Information regarding the application to the program of the criteria in section 23.268; and
- (2) Any other information that the agency considers appropriate or that is requested by the committee.

**23.259. SUNSETTING OF PROGRAMS, DUTIES OF THE COMMITTEE.** — 1. Before September first of the calendar year prior to the year in which a program subject to sections 23.250 to 23.298 is scheduled to sunset, the committee shall:

- (1) Review and take action necessary to verify the reports submitted by the agency pursuant to section 23.256;
- (2) Consult with the budget committee of the house of representatives, the appropriations committee of the senate, the office of budget and planning, the state auditor, and the state treasurer on the application to the agency of the criteria provided in section 23.268; and
- (3) Conduct a performance evaluation of the program based on the criteria provided in section 23.268 and prepare a written report.

2. The written report prepared by the committee pursuant to subdivision (3) of subsection 1 of this section shall be deemed a public record.

**23.262. PUBLIC HEARINGS CONDUCTED FOR SUNSETTING PROGRAMS, WHEN.** — 1. Between September first and December first of the calendar year prior to the year in which a program subject to sections 23.250 to 23.298 is scheduled to sunset, the committee shall conduct public hearings concerning but not limited to the application to the program of the criteria provided in section 23.268.

2. The committee may hold the public hearings prior to September first if the evaluation of the program required in subdivision (3) of subsection 1 of section 23.268 is complete and available to the public.

**23.265. REPORT TO GENERAL ASSEMBLY ON SUNSETTING PROGRAMS, CONTENT.** — 1. At the beginning of each regular session of the general assembly, the committee shall present to the general assembly and the governor a report on the programs scheduled to be sunset.

2. In the report, the committee shall include:

- (1) Its specific findings regarding each of the criteria prescribed by section 23.268;

- (2) Its recommendations based on the matters prescribed by section 23.271; and
- (3) Any other information the committee deems necessary for a complete evaluation of the program.

**23.268. CRITERIA CONSIDERED BY COMMITTEE.** — The committee and its staff shall consider the following criteria in determining whether a public need exists for the continuation of a program, or for the performance of the functions of the program:

- (1) The efficiency with which the program operates;
- (2) An identification of the objectives intended for the program and the problem or need that the program was intended to address, the extent to which the objectives have been achieved, and any activities of the agency in addition to those granted by statute and the authority for such activities;
- (3) An assessment of less restrictive or alternative methods of performing any rule or regulation that the agency performs that could adequately protect the public;
- (4) The extent to which the jurisdiction of the agency and the programs administered by the agency overlap or duplicate those of other agencies and the extent to which the programs administered by the agency can be consolidated with the programs of other state agencies;
- (5) Whether the agency has recommended to the general assembly statutory changes calculated to be of benefit to the public rather than to an occupation, business, or institution that the agency regulates;
- (6) The promptness and effectiveness with which the agency disposes of complaints concerning persons affected by the program;
- (7) The extent to which the agency has encouraged participation by the public in making rules and decisions as opposed to participation solely by those it regulates and the extent to which the public participation has resulted in rules compatible with the objectives of the program;
- (8) The extent to which the agency has complied with applicable requirements of:
  - (a) An agency of the United States or this state regarding equality of employment opportunity and the rights and privacy of individuals; and
  - (b) State law and applicable rules of any state agency regarding purchasing goals and programs for historically underutilized businesses;
- (9) The extent to which changes are necessary in the enabling statutes of the program so that the agency can adequately comply with the criteria established in this section;
- (10) The extent to which the agency issues and enforces rules relating to potential conflicts of interest of its employees;
- (11) The extent to which the agency complies with chapter 610, RSMo, and follows records management practices that enable the agency to respond efficiently to requests for public information; and
- (12) The effect of federal intervention or loss of federal funds if the program is sunset.

**23.271. PROGRAM REPORTS, CONTENT** — **PORTIONS OF REPORT TO BE SUBMITTED TO STATE AUDITOR.** — 1. In its report on a program, the committee shall:

- (1) Make recommendations on the sunset, continuation, or reorganization of each affected program and on the need for the performance of the functions of the program;
- (2) Make recommendations on the consolidation, transfer, or reorganization of programs within state agencies not under review when the programs duplicate functions performed in programs under review;
- (3) Recommend appropriation levels for each program for which sunset or reorganization is recommended pursuant to subdivision (1) or (2) of this subsection; and
- (4) Include drafts of legislation necessary to carry out the committee's recommendations pursuant to subdivisions (1) and (2) of this subsection.

2. On the date the committee presents its report to the general assembly pursuant to section 23.265, the committee shall present to the state auditor the committee's recommendations that do not require a statutory change to be put into effect. The state auditor shall examine the recommendations and shall prepare, as part of the next scheduled audit of the program, a report on the manner in which the agency has implemented the recommendations.

**23.274. EXEMPTION FOR CERTAIN AGENCIES, WHEN.** — 1. In the two-year period preceding the date scheduled for the sunset of a program pursuant to sections 23.250 to 23.298, the committee may exempt certain agencies from the requirements of sections 23.250 to 23.298 relating to staff reports, hearings, and evaluations.

2. The committee shall only exempt programs that have been inactive for a period of two years preceding the date the program is scheduled to sunset.

3. The committee's action in exempting programs pursuant to this section shall be done by an affirmative record vote of all members of the committee.

**23.277. MONITORING OF LEGISLATION DURING SESSION.** — During each regular or special session of the general assembly, the staff of the committee shall monitor legislation affecting programs that have undergone sunset review and shall periodically report to the members of the committee on proposed changes which would modify prior recommendations of the committee.

**23.280. SUNSET ACT NOT TO PROHIBIT CERTAIN ACTIVITIES OF THE GENERAL ASSEMBLY.** — Sections 23.250 to 23.298 shall not prohibit the general assembly from:

(1) Terminating a program at a date earlier than that provided in sections 23.250 to 23.298; or

(2) Considering any other legislation relative to a program subject to sections 23.250 to 23.298.

**23.283. SUNSET PROGRAM TO CONTINUE UNTIL WHEN, PROCEDURES FOR TERMINATED PROGRAMS.** — 1. A program that is sunset may continue in existence until September first of the following year to conclude its business. Unless the law provides otherwise, sunset does not reduce or otherwise limit the powers and authority of the agency during the concluding year. A program is terminated and shall cease all activities at the expiration of the one-year period. Unless the law provides otherwise, all rules adopted by the state agency shall expire at the expiration of the one-year period.

2. Any unobligated and unexpended appropriations of a sunset program lapse on September first of the year after sunset.

3. Except as provided by subsection 5 of this section or as otherwise provided by law, all moneys in a dedicated fund of a program that sunsets on September first of the year after sunset shall be transferred to the credit of the general revenue fund. Any law or portion of a law dedicating the moneys to a specific fund of a program that sunsets shall become void on September first of the year after sunset.

4. Unless the governor designates an appropriate state agency as prescribed in subsection 5 of this section, property and records in the custody of an agency administering a sunset program on September first of the year after sunset shall be transferred to the office of administration. If the governor designates an appropriate state agency, the property and records shall be transferred to the designated state agency.

5. In recognition of the state's continuing obligation to pay bonded indebtedness and all other obligations, including lease, contract, and other written obligations, incurred by a program pursuant to sections 23.250 to 23.298, sections 23.250 to 23.298 shall not impair or impede payment of bonded indebtedness and all other obligations, including lease,

contract, and other written obligations, in accordance with their terms. If an agency has outstanding bonded indebtedness or other outstanding obligations for a sunset program, including lease, contract, or other written obligations, the bonds and all other such obligations remain valid and enforceable in accordance with their terms and subject to all applicable terms and conditions of the laws and proceedings authorizing the bonds and all other such obligations. The governor shall designate an appropriate state agency to continue to carry out all covenants contained in the bonds and all other such obligations, and the proceedings authorizing them, including the issuance of bonds, and the performance of all other such obligations to complete the construction of projects or the performance of other such obligations. The designated state agency shall provide payment from the sources of payment of the bonds in accordance with the terms of the bonds and shall provide payment from the sources of payment from all other such obligations in accordance with their terms, whether from taxes, revenues, or otherwise, until the bonds and interest on the bonds are paid in full and are performed and paid in full. If the proceedings so provide, all funds established by law or proceedings authorizing the bonds or authorizing other such obligations shall remain with the state treasurer or previously designated trustees. If the proceedings do not provide that the funds remain with the state treasurer or previously designated trustees, the funds shall be transferred to the designated state agency.

**23.292. STATE AGENCIES AND OFFICERS TO PROVIDE ASSISTANCE TO COMMITTEE, WHEN. — 1.** The committee may request the assistance of state agencies and officers to assist in gathering information pursuant to the committee objective.

**2.** In carrying out its functions pursuant to sections 23.250 to 23.298, the committee or its designated staff member may inspect the records, documents, and files of any state agency.

**23.295. DIVISION OF WORKFORCE DEVELOPMENT TO ASSIST DISPLACED EMPLOYEES. —** If an employee is displaced because a program is sunset, reorganized, or continued, the state agency and the division of workforce development in the department of economic development shall make a reasonable effort to relocate the displaced employee.

**23.298. RIGHTS AND DUTIES NOT AFFECTED BY SUNSETTING OF PROGRAMS. —** Except as otherwise expressly provided, sunset of a program does not affect the rights and duties that matured, penalties incurred or imposed, civil or criminal liabilities that arose, or proceedings initiated before the effective date of the sunset.

**33.210. BUDGET DIRECTOR TO ASSIST GOVERNOR IN PREPARATION OF BUDGET — PERFORMANCE-BASED BUDGETING SYSTEM TO BE DEVELOPED. — 1.** The director of the budget shall assist the governor in the preparation of the budget and in his other duties in relation thereto.

**2.** The budget director shall develop and implement a performance-based budgeting system that establishes goals and objectives, provides detailed measures of program and fund performance against attainment of planned outcomes, and provides for program evaluations. The governor may consider all outcome measures used for each program and fund as compared with the attainment of the established goals and objectives of each program or fund for the past three fiscal years in preparing budget recommendations pursuant to section 33.270. Such outcome measures and attainment of established goals and objectives for each program and fund shall be considered by the general assembly in approving appropriation levels for each program and fund.

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**33.270. BUDGET TO LEGISLATURE IN PRINTED FORM — CONTENTS.** — The budget shall be submitted to the general assembly in printed form. Such budget shall be in two parts:

(1) A budget message outlining the fiscal policy of the state for the biennium and describing the important features of the budget plan; giving a summary of the budget setting forth aggregate figures of proposed revenues and expenditures and the balanced relations between the proposed revenues and expenditures and the total expected income and other means of financing the budget compared with the corresponding figures for the preceding biennium; including explanatory schedules classifying proposed expenditures by organization units, objects and funds; giving estimated statements of assets and liabilities as of the close of the preceding biennium and of the budget biennium; explaining any proposed major increases in revenue from any existing source or any new source of revenue proposed, and giving any further information or making any suggestions;

(2) The detailed budget estimates of revenues and expenditures for each fund as provided for in this act showing the recommendations of the governor on each, compared with the figures for each of the fiscal years of the preceding biennium, **including all outcome measures used for each program and fund as compared with the attainment of the established goals and objectives of each program and fund for the past three fiscal years and projected outcome measures for each program and fund for the current fiscal year and the next two fiscal years, the most recent reports done by the state auditor's office and any evaluations done by the oversight division of the committee on legislative research for each fund and program** and giving an explanation of each major change in the recommendations from the revenues and expenditures in the previous biennium.

**33.800. PROCEDURE TO BE ESTABLISHED FOR PERFORMANCE-BASED REVIEW OF STATE AGENCIES.** — The chairman of the house budget committee, the chairman of the senate appropriations committee and the commissioner of administration shall develop budget review procedures to provide for a [detailed base] **performance-based** review of state agency budgets. Such procedures shall be jointly adopted by the budget committee of the house, the appropriations committee of the senate and the office of administration.

**33.803. PERFORMANCE-BASED REVIEW PROCEDURE — SELECTION OF DEPARTMENT OR AGENCY, HOW DETERMINED.** — 1. [Detail base] **Performance-based** review procedures [may] **shall** be designed to:

(1) Operate on a defined rotating basis requiring the [detailed] **performance-based** review of specified departments or agencies in a particular fiscal year; or

(2) Provide for random review of specific departments or agencies on the basis of perceived needs and requirements of the state budget.

2. [Detail base] **Performance-based** review shall be required by the budget and appropriations committees and the selection of the department or agency or program shall be made **on a rotating basis**, with a majority concurrence of the chairman of the house budget committee, the chairman of the senate appropriations committee and the director of the division of budget and planning[. The review, whether on a defined rotating basis or on a random basis, may be applied to the]; **provided that, every department, division, or agency shall be reviewed at least once every five years after January 1, 2005. The chair of the house budget committee, the chair of the senate appropriations committee, and the director of the division of budget and planning shall decide what the review will cover, which may include the:**

- (1) Entire budget of the department or agency;
- (2) Budget subclasses as detailed by the office of administration; or
- (3) Selected programs; **and**
- (4) **Outcome measures used for programs and funds within the department, division, or agency.**

3. Where similar programs or services are provided by more than one department or agency, the [detail base] **performance-based** review procedures may provide for a review and investigation of the program or service level on an interagency or interdepartmental basis in an effort to consolidate such programs or services.

**33.805. DEPARTMENT OR AGENCY SELECTED FOR PERFORMANCE-BASED REVIEW, APPROPRIATION REQUESTS, PROCEDURE, DUTIES OF AGENCY.** — 1. Any department or agency selected for a [detail base] **performance-based** review under procedures adopted pursuant to the provisions of sections 33.800 to 33.810 shall present its appropriation request in a manner prescribed by the budget and appropriation committees so that all programs or services can be reviewed, to the extent practicable, on the basis of a cost/benefit evaluation, and shall contain, to the extent requested, a detailed itemization of all existing and anticipated expenditures which are to be allocated to each program, service or function for the year of the appropriation request.

2. All departments and agencies shall submit their respective appropriations requests in a uniform manner as prescribed by procedures prescribed pursuant to section 33.800.

**33.807. ACCESS TO ALL RECORDS AND ASSISTANCE TO HOUSE AND SENATE COMMITTEES, EXCEPTIONS.** — All officers and employees of the state, all departments, boards, commissions, bureaus and other agencies and institutions of the state which are supported, in whole or in part, by appropriations from the state shall furnish the budget committee of the house of representatives and the appropriations committee of the senate with complete access to their records and full information and assistance in any matter of research or investigation in connection with a [detail base] **performance-based** review. This section shall not be construed to compel the disclosure of any records or information which is declared to be privileged or confidential under any law of this state or the United States or by an order of a court of competent jurisdiction.

**33.810. ANALYSIS TEAM TO BE FORMED, MEMBERS SELECTION — EXPENSES, HOW PAID — DUTIES OF TEAM — REVIEW TO BEGIN AND END WHEN.** — When any department or agency is selected for a [detail base] **performance-based** review pursuant to the provisions of sections 33.800 to 33.810, an analysis team shall be formed to consist of a budget analyst of the senate appropriations committee selected by the chairman of the senate appropriations committee, a budget analyst of the house budget committee selected by the chairman of the house budget committee, a budget analyst who is employed by the office of administration designated by the commissioner of administration, and an employee of the department or agency subject to the [detail base] **performance-based** review selected by the chief administrative officer of that department or agency. Upon request of the chairmen of the legislative committees, the oversight division of the joint committee on legislative research shall assist the analysis team and provide such services as may be required. Members of the team shall receive no additional compensation for their services, but may be reimbursed for their actual and necessary expenses connected with the performance of their duties out of the joint legislative contingent fund. The team shall perform such functions, analysis and other duties as are specified in the [detail base] **performance-based** review procedures established pursuant to the provisions of section 33.800. The team shall begin the [detail base] **performance-based** review no sooner than the final approval of the appropriations bills by the governor and complete the review no later than [October first] **December thirty-first** of the same year.

Approved June 26, 2003

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## SB 301 [HCS SB 301]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Increases maximum lateral sewer service repair fee to be imposed from \$28 to \$50 per year.**

AN ACT to repeal section 249.422, RSMo, and to enact in lieu thereof one new section relating to fees imposed to repair lateral sewer service lines.

## SECTION

A. Enacting clause.

249.422. Fee imposed to repair lateral sewer service lines for certain residential property and in certain counties — condominiums responsible for proportionate share — ballot form — special account established for fees collected.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 249.422, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 249.422, to read as follows:

**249.422. FEE IMPOSED TO REPAIR LATERAL SEWER SERVICE LINES FOR CERTAIN RESIDENTIAL PROPERTY AND IN CERTAIN COUNTIES — CONDOMINIUMS RESPONSIBLE FOR PROPORTIONATE SHARE — BALLOT FORM — SPECIAL ACCOUNT ESTABLISHED FOR FEES COLLECTED.** — 1. If approved by a majority of the voters voting on the proposal, any city, town, village or county on behalf of the unincorporated area, located either within the boundaries of a sewer district established pursuant to article VI, section 30(a) of the Missouri Constitution or within any county of the first classification having a charter form of government with a population of more than two hundred ten thousand inhabitants but less than three hundred thousand inhabitants, may by city, town, village or county ordinance levy and impose annually for the repair of lateral sewer service lines on residential property having six or less dwelling units a fee not to exceed [twenty-eight] **fifty** dollars per year.

2. The question shall be submitted in substantially the following form:

Shall a maximum charge of [seven] **fifty** dollars be assessed [quarterly] **annually** on all residential property having six or less dwelling units to provide funds to pay the cost of certain repairs of defective lateral sewer service lines of those dwelling units?

[ ] YES [ ] NO

3. If a majority of the voters voting thereon approve the proposal provided for in subsection 2 of this section, the governing body of the city, town, village or county may enact an ordinance for the collection and administration of such fee in order to protect the public health, welfare, peace and safety. The funds collected pursuant to such ordinance shall be deposited in a special account to be used solely for the purpose of paying for all or a portion of the costs reasonably associated with and necessary to administer and carry out the defective lateral sewer service line repairs. All interest generated on deposited funds shall be accrued to the special account established for the repair of lateral sewer service lines.

**4. Any city, town, village, or county that establishes or increases the fee used to repair any portion of the lateral sewer service line shall include all defective portions of the lateral sewer service line from the residential structure to its connection with the public sewer system line.**

Approved July 1, 2003

## SB 307 [SCS SB 307]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Modifies the rebate amount for prescription drugs in the Missouri Senior Prescription Program.**

AN ACT to repeal section 208.565, RSMo, and to enact in lieu thereof one new section relating to the senior Rx program, with an emergency clause.

**SECTION**

- A. Enacting clause.
- 208.565. Rebates, amount, use of.
- B. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 208.565, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 208.565, to read as follows:

**208.565. REBATES, AMOUNT, USE OF.** — 1. The division shall negotiate with manufacturers for participation in the program. The division shall issue a certificate of participation to pharmaceutical manufacturers participating in the Missouri Senior Rx program. A pharmaceutical manufacturer may apply for participation in the program with an application form prescribed by the commission. A certificate of participation shall remain in effect for an initial period of not less than one year and shall be automatically renewed unless terminated by either the manufacturer or the state with sixty days' notification.

2. **For all transactions occurring prior to July 1, 2003, the rebate amount for each drug shall be fifteen percent of the average manufacturers' price as defined pursuant to 42 U.S.C. 1396r-8(k)(1). For all transactions occurring on or after July 1, 2003, the rebate amount for [each drug] name brand prescription drugs shall be fifteen percent and the rebate amount for generic prescription drugs shall be eleven percent** of the average manufacturers' price as defined pursuant to 42 U.S.C. 1396r-8(k)(1). No other discounts shall apply. In order to receive a certificate of participation a manufacturer or distributor participating in the Missouri Senior Rx program shall provide the division of aging the average manufacturers' price for their contracted products. The following shall apply to the providing of average manufacturers' price information to the division of aging:

(1) Any manufacturer or distributor with an agreement under this section that knowingly provides false information is subject to a civil penalty in an amount not to exceed one hundred thousand dollars for each provision of false information. Such penalties shall be in addition to other penalties as prescribed by law;

(2) Notwithstanding any other provision of law, information disclosed by manufacturers or wholesalers pursuant to this subsection or under an agreement with the division pursuant to this section is confidential and shall not be disclosed by the division or any other state agency or contractor therein in any form which discloses the identity of a specific manufacturer or wholesaler or prices charged for drugs by such manufacturer or wholesaler, except to permit the state auditor to review the information provided and the division of medical services for rebate administration.

3. All rebates received through the program shall be used toward refunding the program. If a pharmaceutical manufacturer refuses to participate in the rebate program, such refusal shall not affect the manufacturer's status under the current Medicaid program. There shall be no drug formulary, prior approval system, or any similar restriction imposed on the coverage of outpatient

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drugs made by pharmaceutical manufacturers who have agreements to pay rebates for drugs utilized in the Missouri Senior Rx program, provided that such outpatient drugs were approved by the Food and Drug Administration.

4. Any prescription drug of a manufacturer that does not participate in the program shall not be reimbursable.

**SECTION B. EMERGENCY CLAUSE.** — Because immediate action is necessary to ensure the fiscal stability of the Senior Rx program, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved June 16, 2003

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SB 314 [SB 314]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Repeals a doubly-enacted section regarding the towing of motor vehicles from private property.**

AN ACT to repeal section 304.157 as enacted by senate bill no. 17, ninetieth general assembly, first regular session, relating to abandoned property.

**SECTION**

A. Enacting clause.

304.157. Vehicles left unattended or improperly parked on private property of another, procedure for removal and disposition — violation of certain required procedure, penalty.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 304.157 as enacted by senate bill no. 17, ninetieth general assembly, first regular session, is repealed, to read as follows:

**[304.157. VEHICLES LEFT UNATTENDED OR IMPROPERLY PARKED ON PRIVATE PROPERTY OF ANOTHER, PROCEDURE FOR REMOVAL AND DISPOSITION — VIOLATION OF CERTAIN REQUIRED PROCEDURE, PENALTY.** — 1. If a person abandons property, as defined in section 304.001, on any real property owned by another without the consent of the owner or person in possession of the property, at the request of the person in possession of the real property, any member of the state highway patrol, state water patrol, sheriff, or other law enforcement officer within his jurisdiction may authorize a towing company to remove such abandoned property from the property in the following circumstances:

(1) The abandoned property is left unattended for more than forty-eight hours; or

(2) In the judgment of a law enforcement officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.

2. The owner of real property or lessee or property or security manager in lawful possession of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a law enforcement officer only when the owner, lessee or property or security manager of the real property is

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present. A property or security manager must be a full-time employee of a business entity. An authorization to tow under this subsection may be made only under any of the following circumstances:

(1) There is displayed, in plain view at all entrances to the property, a sign not less than seventeen by twenty-two inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property improperly parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained; or a twenty-four-hour staffed emergency information telephone number, other than the number of a towing company, by which the owner of the abandoned property or improperly parked property may call to receive information regarding the location of such owner's property; or

(2) The abandoned property is on private property and lacks an engine, transmission, wheels, tires, doors, windshield or any other major part or equipment necessary to operate safely on the highways, the owner or lessee of the private property has notified the city police or county sheriff, as appropriate, and ninety-six hours have elapsed since that notification; or

(3) The abandoned property is left unattended on private property, and the owner, lessee or agent of the real property in lawful possession of real property has notified the appropriate law enforcement agency, and ten days have elapsed since that notification.

3. Pursuant to this section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a law enforcement officer shall within one hour of the tow file an abandoned property report with the appropriate law enforcement agency where the property is located. The report shall contain the following:

(1) The year, model, make and abandoned property identification number of the property and the owner and any lienholders, if known;

(2) A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;

(3) The license plate or registration number and the state of issuance, if available;

(4) The physical location of the property and the reason for requesting the property to be towed;

(5) The date the report is completed;

(6) The signature and printed name, address and phone number of the owner, lessee or property or security manager in possession of the real property;

(7) The towing company's name and address;

(8) The signature of the towing operator;

(9) The name of the law enforcement agency notified of the abandoned property.

The department of revenue may design and make available to police agencies throughout the state a uniform "Authorization to Tow" form. The form shall contain lines for time, date, location, descriptive information of the vehicle, reason for towing, the tow operator and company and signature of authorizing officer. The cost of the forms shall be determined by the department of revenue. The completed form shall be issued by the authorizing officer to the tow operator for that company's records as proof of authorization to tow a particular vehicle.

4. The law enforcement agency receiving such abandoned property report must record the date the abandoned property report is filed with such agency and within five days of such filing make an inquiry into the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The law enforcement agency shall enter the information pertaining to the towed property into the statewide enforcement computer system. The department of revenue may design and sell to towing companies informational brochures outlining owner or lessee of real property obligations pursuant to this section.

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5. Neither the law enforcement officer nor anyone having custody of abandoned property under his direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section other than damages occasioned by negligence or by willful or wanton acts or omissions.

6. Any towing company which tows abandoned property without authorization from a law enforcement officer pursuant to subdivision (1) of subsection 2 of this section shall within one hour of the tow report the event and the circumstances to the local law enforcement agency where the abandoned property report was filed.

7. The law enforcement agency receiving notification that abandoned property has been towed by a towing company shall record the date the property was towed and shall forward a copy of the abandoned property report to the director of revenue.

8. If any owner or lessee of real property authorizes the removal of abandoned property pursuant to subsection 2 of this section and such property is so removed and no sign is displayed prior to such removal as required pursuant to subsection 2 of this section, then the owner or lessee shall be deemed guilty of a class C misdemeanor.]

Approved June 26, 2003

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## SB 317 [SB 317]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Establishes a December 15, 2003, deadline for a MCHCP study which is presently required by law but possesses no deadline.**

AN ACT to repeal section 103.175, RSMo, and to enact in lieu thereof one new section relating to the imposition of a deadline for a study by the board of trustees of Missouri consolidated health care plan.

### SECTION

A. Enacting clause.

103.175. Feasibility of agencies and school district retirees not having joined plan to join — board to study and report.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 103.175, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 103.175, to read as follows:

**103.175. FEASIBILITY OF AGENCIES AND SCHOOL DISTRICT RETIREES NOT HAVING JOINED PLAN TO JOIN — BOARD TO STUDY AND REPORT.** — The board shall study and report to the general assembly, **on or before December 15, 2003**, on the feasibility of including in this plan individuals who are employees of eligible agencies which have not elected to join the plan or who are retirees of school districts.

Approved July 9, 2003

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## SB 321 [SB 321]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Requires persons discharged from prison or parole, to be informed of the procedures to register to vote.**

AN ACT to repeal section 217.730, RSMo, and to enact in lieu thereof one new section relating to voter registration information given upon discharge of an offender.

SECTION

A. Enacting clause.

217.730. Parole time as time of imprisonment, exception — final discharge — procedure to register to vote.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 217.730, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 217.730, to read as follows:

**217.730. PAROLE TIME AS TIME OF IMPRISONMENT, EXCEPTION — FINAL DISCHARGE — PROCEDURE TO REGISTER TO VOTE.** — 1. The period served on parole, except for judicial parole granted or revoked pursuant to section 559.100, RSMo, shall be deemed service of the term of imprisonment and, subject to the provisions of section 217.720 relating to an offender who is or has been a fugitive from justice, the total time served may not exceed the maximum term or sentence.

2. When an offender on parole or conditional release, before the expiration of the term for which the offender was sentenced, has performed the obligation of his parole for such time as satisfies the board that his final release is not incompatible with the best interest of society and the welfare of the individual, the board may make a final order of discharge and issue a certificate of discharge to the offender. No such order of discharge shall be made in any case less than three years after the date on which the offender was paroled or conditionally released except where the sentence expires earlier.

**3. Upon final discharge, persons shall be informed in writing on the process and procedure to register to vote.**

Approved May 30, 2003

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## SB 325 [HCS SB 325]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Alters provisions regarding veterans & mandates that public schools devote one class period observing Veterans Day.**

AN ACT to repeal sections 59.480, 59.490, and 160.360, RSMo, and to enact in lieu thereof three new sections relating to military affairs.

SECTION

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- A. Enacting clause.
- 59.480. Recording of discharges from armed forces — definitions — duties of recorders — disclosure of records, when.
- 160.360. Operation recognition, honorary high school diplomas awarded to certain veterans and civilian POWs, when.
- 170.049. Veterans Day observance in schools.
- 59.490. List of veterans — copies of discharge (third and fourth class counties).

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 59.480, 59.490, and 160.360, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 59.480, 160.360, and 170.049, to read as follows:

**59.480. RECORDING OF DISCHARGES FROM ARMED FORCES — DEFINITIONS — DUTIES OF RECORDERS — DISCLOSURE OF RECORDS, WHEN.** — [Any person who is the holder of a discharge, separation notice, certificate of service, report of transfer or discharge, or any other notice or document which is evidence of severance or transfer from military service and which contains a service record from the armed forces of the United States may demand that such document be recorded by the recorder of deeds of any county in this state, including the recorder of deeds of the city of St. Louis, and it shall be the duty of the recorder of deeds to record the document without any fee or compensation therefor.] **1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:**

- (1) "Authorized party", any of the following:
  - (a) The person who is the subject of the document;
  - (b) The representative of a person who is the subject of the document or the agent of a person who is the subject of the document, including but not limited to, relatives, attorneys, attorneys in fact, conservators, guardians, and funeral directors; and who has authorization in writing from the person who is the subject of the document, the spouse of the person who is the subject of the document, a relative who is the next of kin of the person who is the subject of the document, a court, in order to represent the person who is the subject of the document or the executor of the person who was the subject of the document who is acting on behalf of the deceased subject of the document;
  - (c) Government agencies, including courts, that have an interest in assisting the subject of the document or in assisting the beneficiaries of the deceased subject of the document in obtaining a benefit;
- (2) "Military discharge document", a discharge, separation notice, certificate of service, report of transfer or discharge, or any other notice or document which is evidence of severance or transfer from military service and which contains a service record from the armed forces of the United States, or any document that purports to represent a notice of separation from or service in any armed forces of the United States or any state, including but not limited to the department of defense form DD 214;
- (3) "Recorder of deeds", the recorder of deeds in those counties where separate and the circuit clerk and ex officio recorder of deeds in those counties where the offices are combined.

**2. Military discharge documents shall be accepted for filing by the recorder of deeds in all counties and the city of St. Louis in this state without any fee or compensation therefore.**

**3. The recorder of deeds may refuse to accept any military discharge document that:**

- (1) Is not an original or does not contain an original signature of an officer of the armed forces of the United States or a federal or state agency;

- (2) Is not a certified copy from an agency of the federal or state government; or
- (3) Appears to have alterations or erasures.

**4. On or after the effective date of this section, the recorder of deeds shall:**

(1) Maintain and make available to the public in its office an index containing only the name of the subject of a military discharge document;

(2) Maintain a separate index from publicly available information that contains only:

(a) The name of the subject of a military discharge document; and

(b) The location of the image of the military discharge document;

(3) Maintain the images of all military discharge documents separately from all other publicly available filed or recorded document images.

5. As part of any remote access system, the recorder of deeds shall not make available the location of the image or the image of the military discharge document.

6. Images of a military discharge document or copies thereof shall only be made available to an authorized party by submitting a notarized request form to the recorder of deeds. The recorder of deeds shall not receive a fee or compensation for a certified or uncertified copy of the military discharge document and shall not charge a notary fee for notarizing such request form.

7. Prior to the effective date of this section, the Recorders Association of Missouri shall adopt a request form and any rules necessary to implement the provisions of this section. The recorder of deeds in all counties and the city of St. Louis shall use and furnish the forms adopted by the Recorders Association of Missouri and comply with the rules adopted by the Recorders Association of Missouri.

8. A request form that contains more than one military discharge document shall not be accepted by the recorder of deeds.

9. The recorder of deeds shall keep all completed request forms for a period of at least five years and such forms shall be made available only to an authorized party in accordance with the provisions of this section.

10. In the event that military discharge documents, prior to the effective date of this section, have been commingled, and to the extent possible, a recorder of deeds may choose to enact the provisions of this section regarding the indexes and images.

11. On or after the effective date of this section, military discharge documents kept pursuant to this section shall not be reproduced or used in whole or in part for any commercial or speculative purposes.

12. Any individual, agency, or court which obtains information pursuant to this section shall not disseminate or disclose such information or any part thereof except as authorized in this section or otherwise by law.

13. The recorder of deeds shall not be liable for any damages that may result from good faith compliance with the provisions of this section.

**160.360. OPERATION RECOGNITION, HONORARY HIGH SCHOOL DIPLOMAS AWARDED TO CERTAIN VETERANS AND CIVILIAN POWS, WHEN.** — 1. The department of elementary and secondary education, with the cooperation of the Missouri veterans' commission, shall develop and administer a program to be known as "Operation Recognition". The purpose of the program is to award honorary high school diplomas to civilian prisoners of war (POWs) and to [World War I, World War II and Korean War veterans] **any veteran** who left high school prior to graduation to enter United States military service. The department and commission shall jointly develop an application procedure, distribute applications and publicize the program to school districts, accredited nonpublic schools, veterans' organizations, and state, regional and local media.

2. All civilian POWs who are residents or former residents of the state of Missouri and all honorably discharged [World War I, World War II and Korean War] veterans who are residents or former residents of the state of Missouri, who served in the United States military [during World War I, World War II or the Korean War.] and who did not return to school and complete their education after [the war] **their term of service** shall be eligible to receive [a] **an honorary** diploma. Diplomas may be issued posthumously.

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3. Upon approval of an application, the department shall issue an honorary high school diploma for an eligible civilian POW or an eligible veteran. The diploma shall also include a statement specifying that the diploma is awarded in recognition of military service experiences and civic duty responsibilities. The diploma shall indicate the civilian POW's or veteran's school of attendance. The department and commission shall work together to provide school districts, schools, communities and veterans' organizations with information about hosting a diploma ceremony on or around Veterans Day. The diploma shall be mailed to the civilian POW or veteran or, if the civilian POW or veteran is deceased, to the civilian POW's or veteran's family.

**170.049. VETERANS DAY OBSERVANCE IN SCHOOLS. — The board of each school district shall require each school in such district to devote a period of time equal to one class period to an observance that conveys the meaning and significance of Veterans Day. Such observance shall take place on or as close as possible to Veterans Day. The board, in consultation with the administrators of each school in the district, shall determine the activities which will constitute the required observance.**

**[59.490. LIST OF VETERANS — COPIES OF DISCHARGE (THIRD AND FOURTH CLASS COUNTIES). —** The recorder in counties of the third class and the circuit clerk and recorder in counties of the third and fourth classes wherein the offices have been combined, as the recorder of the county, shall prepare and keep a separate alphabetical list of the names of all residents of the county who have been discharged or transferred or otherwise separated from the armed forces of the United States. The list shall show the veteran's name, post-office address, and the branch of service from which he was discharged, transferred or otherwise separated, the date of his discharge, transfer or other separation and the date of the recording of same, together with the book and page wherein the discharge, separation notice, certificate of service, report of transfer or discharge, or other notice or document which is evidence of severance or transfer from military service and which contains a service record is recorded. The list shall be maintained by the recorder for public inspection and shall be up to date at all times; and in addition thereto, the recorders shall furnish to all persons who have reported their discharge or transfer or other separation from the armed forces of the United States one certified copy of the discharge, separation notice, certificate of service, report of transfer or discharge, or other notice or document which is evidence of severance or transfer from military service and which contains a service record upon request of the veteran, or if the veteran has deceased since the recording thereof, then by his heir, executor or administrator. A veteran is deemed a resident of the county for the purposes of this section if he resided in the county prior to his induction into the armed forces, and returned there upon his discharge, transfer or other separation, or if he has resided in the county for more than ninety days next prior to the recording of the discharge, separation notice, certificate of service, report of transfer or discharge, or any other notice or document which is evidence of severance or transfer from military service and which contains a service record with the intention of making the county his domicile.]

Approved June 24, 2003

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SB 327 [SB 327]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Modifies provisions of real estate appraiser licensing.**

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AN ACT to repeal sections 339.517 and 339.537, RSMo, and to enact in lieu thereof two new sections relating to the real estate appraisers commission.

SECTION

A. Enacting clause.

339.517. Examination required, when — rules authorized, invalid, when.

339.537. Records to be retained, retention period — availability of records for appraisers, when, cost.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 339.517 and 339.537, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 339.517 and 339.537, to read as follows:

**339.517. EXAMINATION REQUIRED, WHEN — RULES AUTHORIZED, INVALID, WHEN.** —

1. Any person who files with the commission an application for state licensure or certification as a real estate appraiser shall be required to pass an examination to demonstrate his or her competence. The commission shall, also, make such investigation as is required to verify such qualifications. If the results of the investigation are satisfactory to the commission and the applicant is otherwise qualified, then the commission shall issue to the applicant a license or certificate authorizing the applicant to act as a state-licensed real estate appraiser or a state-certified real estate appraiser in Missouri. If the results of the investigation are unsatisfactory, action on the application may be deferred pending a hearing before the real estate appraisal commission.

2. The commission shall promulgate and adopt regulations which prescribe and define the subjects related to real estate appraisal and the experience in real estate appraisal that will satisfy the qualification requirements for licensure or certification. The commission may approve courses of instruction in an accredited college or university relating to the appraisal of real estate and related disciplines including, but not limited to, economics, finance, statistics, principles of capitalization, real estate and such other areas deemed relevant by the commission. The commission may also approve similar courses of instruction offered by recognized professional appraisal organizations and real estate organizations and agencies of the state and federal government, and other qualified providers which may be approved by the commission. **The commission may require by rule that some or all of an applicant's qualifying experience in real estate appraising be obtained on appraisals of real estate located in this state.**

3. Each applicant for certification or licensure shall furnish under oath a detailed statement of the real estate appraisal assignments or file memoranda for each year in which real estate appraisal experience is claimed by the applicant. Upon request, the applicant shall furnish to the commission a sample of appraisal reports or file memoranda which the applicant has prepared in the course of his or her appraisal practice.

**4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.**

**339.537. RECORDS TO BE RETAINED, RETENTION PERIOD — AVAILABILITY OF RECORDS FOR APPRAISERS, WHEN, COST.** — State certified real estate appraisers and state licensed real estate appraisers shall retain originals or true copies of contracts engaging an appraiser's services for appraisal assignments, specialized appraisal services, appraisal reports,

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and supporting data assembled and formulated in preparing appraisal reports, for five years. The period for retention of the records applicable to each engagement of the services of the state certified real estate appraiser or state licensed real estate appraiser shall run from the date of the submission of the appraisal report to the client. **Upon requests by the commission**, these records shall be made available by the state certified real estate appraiser or state licensed real estate appraiser for inspection and copying **at his or her expense**, by the commission on reasonable notice to the state certified real estate appraiser or state licensed real estate appraiser. When litigation is contemplated at any time, reports and records shall be retained for [three] **two** years after the [trial date] **final disposition**.

Approved June 19, 2003

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SB 330 [SB 330]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Allows child support orders to be sent to employers by regular or certified mail.**

AN ACT to repeal sections 454.505 and 454.606, RSMo, and to enact in lieu thereof two new sections relating to child support enforcement.

SECTION

- A. Enacting clause.
- 454.505. Garnishment of wages, when, procedure, limitations — notice to employer, contents — employer, duties, liabilities — priorities — discharge of employee prohibited, when, penalties for — orders issued by another state, laws to govern.
- 454.606. Notice to employer or union, National Medical Support Notice to be used — notice, how delivered — division duties.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 454.505 and 454.606, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 454.505 and 454.606, to read as follows:

**454.505. GARNISHMENT OF WAGES, WHEN, PROCEDURE, LIMITATIONS — NOTICE TO EMPLOYER, CONTENTS — EMPLOYER, DUTIES, LIABILITIES — PRIORITIES — DISCHARGE OF EMPLOYEE PROHIBITED, WHEN, PENALTIES FOR — ORDERS ISSUED BY ANOTHER STATE, LAWS TO GOVERN.** — 1. In addition to any other remedy provided by law for the enforcement of support, if a support order has been entered, the director shall issue an order directing any employer or other payor of the parent to withhold and pay over to the division, the payment center pursuant to section 454.530 or the clerk of the circuit court in the county in which a trusteeship is or will be established, money due or to become due the obligated parent in an amount not to exceed federal wage garnishment limitations. For administrative child support orders issued pursuant to sections other than section 454.476, the director shall not issue an order to withhold and pay over in any case in which:

(1) One of the parties demonstrates, and the director finds, that there is good cause not to require immediate income withholding. For purposes of this subdivision, any finding that there is good cause not to require immediate withholding shall be based on, at least, a written determination and an explanation by the director that implementing immediate wage withholding

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would not be in the best interests of the child and proof of timely payments of previously ordered support in cases involving the modification of support orders; or

(2) A written agreement is reached between the parties that provides for an alternative payment arrangement.

If the income of an obligor is not withheld as of the effective date of the support order, pursuant to subdivision (1) or (2) of this subsection, or otherwise, such obligor's income shall become subject to withholding pursuant to this section, without further exception, on the date on which the obligor becomes delinquent in maintenance or child support payments in an amount equal to one month's total support obligation.

2. An order entered pursuant to this section shall recite the amount required to be paid as continuing support, the amount to be paid monthly for arrearages and the Social Security number of the obligor if available. In addition, the order shall contain a provision that the obligor shall notify the division of child support enforcement regarding the availability of medical insurance coverage through an employer or a group plan, provide the name of the insurance provider when coverage is available, and inform the division of any change in access to such insurance coverage. A copy of section 454.460 and this section shall be appended to the order. A copy of such order shall be filed with the circuit court in the county or city not within a county in which the judgment of dissolution or paternity was entered, or if no such judgment was entered, in the county or city not within a county where either parent or the child resides or where the order or judgment is filed or registered.

3. An order entered pursuant to this section shall be served on the employer or other payor **either by regular mail or** by certified mail, return receipt requested or may be issued through electronic means, and shall be binding on the employer or other payor two weeks after mailing or electronic issuance of such service. A copy of the order and a notice of property exempt from withholding shall be mailed to the obligor at the obligor's last known address. The notice shall advise the obligor that the withholding has commenced and the procedures to contest such withholding pursuant to section 454.475 on the grounds that such withholding or the amount withheld is improper due to a mistake of fact by requesting a hearing thirty days from mailing the notice. At such a hearing the certified copy of the court order and the sworn or certified statement of arrearages shall constitute prima facie evidence that the director's order is valid and enforceable. If a prima facie case is established, the obligor may only assert mistake of fact as a defense. For purposes of this section, "mistake of fact" means an error in the amount of the withholding or an error as to the identity of the obligor. The obligor shall have the burden of proof on such issues. The obligor may not obtain relief from the withholding by paying the overdue support. The employer or other payor shall withhold from the earnings or other income of each obligor the amount specified in the order, and may deduct an additional sum not to exceed six dollars per month as reimbursement for costs, except that the total amount withheld shall not exceed the limitations contained in the federal Consumer Credit Protection Act, 15 U.S.C. 1673(b). The employer or other payor shall transmit the payments as directed in the order within seven business days of the date the earnings, money due or other income was payable to the obligor. For purposes of this section, "business day" means a day that state offices are open for regular business. The employer or other payor shall, along with the amounts transmitted, provide the date the amount was withheld from each obligor. If the order does not contain the Social Security number of the obligor, the employer or other payor shall not be liable for withholding from the incorrect obligor.

4. If the order is served on a payor other than an employer, it shall be a lien against any money due or to become due the obligated parent which is in the possession of the payor on the date of service or which may come into the possession of the payor after service until further order of the director, except for any deposits held in two or more names in a financial institution.

5. The division shall notify an employer or other payor upon whom such an order has been directed whenever all arrearages have been paid in full, and whenever, for any other reason, the amount required to be withheld and paid over to the payment center pursuant to the order as to

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future pay periods is to be reduced or redirected. If the parent's support obligation is required to be paid monthly and the parent's pay periods are at more frequent intervals, the employer or other payor may, at the request of the obligee or the director, withhold and pay over to the payment center, an equal amount at each pay period cumulatively sufficient to comply with the withholding order.

6. An order issued pursuant to subsection 1 of this section shall be a continuing order and shall remain in effect and be binding upon any employer or other payor upon whom it is directed until a further order of the director. Such orders shall terminate when all children for whom the support order applies are emancipated or deceased, or the support obligation otherwise ends, and all arrearages are paid. No order to withhold shall be terminated solely because the obligor has fully paid arrearages.

7. An order issued pursuant to subsection 1 of this section shall have priority over any other legal process pursuant to state law against the same wages, except that where the other legal process is an order issued pursuant to this section or section 452.350, RSMo, the processes shall run concurrently, up to applicable wage withholding limitations. If concurrently running wage withholding processes for the collection of support obligations would cause the amounts withheld from the wages of the obligor to exceed applicable wage withholding limitations and includes a wage withholding from another state pursuant to section 454.932, the employer shall first satisfy current support obligations by dividing the amount available to be withheld among the orders on a pro rata basis using the percentages derived from the relationship each current support order amount has to the sum of all current child support obligations. Thereafter, arrearages shall be satisfied using the same pro rata distribution procedure used for distributing current support, up to the applicable limitation. If concurrently running wage withholding processes for the collection of support obligations would cause the amounts withheld from the wages of the obligor to exceed applicable wage withholding limitations and does not include a wage withholding from another state pursuant to section 454.932, the employer shall withhold and pay to the payment center an amount equal to the wage withholding limitations. The payment center shall first satisfy current support obligations by dividing the amount available to be withheld among the orders on a pro rata basis using the percentages derived from the relationship each current support order amount has to the sum of all current child support obligations. Thereafter, arrearages shall be satisfied using the same pro rata distribution procedure used for distributing current support, up to the applicable limitation.

8. No employer or other payor who complies with an order entered pursuant to this section shall be liable to the parent, or to any other person claiming rights derived from the parent, for wrongful withholding. An employer or other payor who fails or refuses to withhold or pay the amounts as ordered pursuant to this section shall be liable to the party holding the support rights in an amount equal to the amount which became due the parent during the relevant period and which, pursuant to the order, should have been withheld and paid over. The director is hereby authorized to bring an action in circuit court to determine the liability of an employer or other payor for failure to withhold or pay the amounts as ordered. If a court finds that a violation has occurred, the court may fine the employer in an amount not to exceed five hundred dollars. The court may also enter a judgment against the employer for the amounts to be withheld or paid, court costs and reasonable attorney's fees.

9. The remedy provided by this section shall be available where the state or any of its political subdivisions is the employer or other payor of the obligated parent in the same manner and to the same extent as where the employer or other payor is a private party.

10. An employer shall not discharge, or refuse to hire or otherwise discipline an employee as a result of an order to withhold and pay over certain money authorized by this section. If any such employee is discharged within thirty days of the date upon which an order to withhold and pay over certain money is to take effect, there shall arise a rebuttable presumption that such discharge was a result of such order. This presumption shall be overcome only by clear, cogent and convincing evidence produced by the employer that the employee was not terminated

because of the order to withhold and pay over certain money. The director is hereby authorized to bring an action in circuit court to determine whether the discharge constitutes a violation of this subsection. If the court finds that a violation has occurred, the court may enter an order against the employer requiring reinstatement of the employee and may fine the employer in an amount not to exceed one hundred fifty dollars. Further, the court may enter judgment against the employer for the back wages, costs, attorney's fees, and for the amount of child support which should have been withheld and paid over during the period of time the employee was wrongfully discharged.

11. If an obligor for whom an order to withhold has been issued pursuant to subsection 1 of this section terminates the obligor's employment, the employer shall, within ten days of the termination, notify the division of the termination, shall provide to the division the last known address of the obligor, if known to the employer, and shall provide to the division the name and address of the obligor's new employer, if known. When the division determines the identity of the obligor's new employer, the director shall issue an order to the new employer as provided in subsection 1 of this section.

12. If an employer or other payor is withholding amounts for more than one order issued pursuant to subsection 1 of this section, the employer or other payor may transmit all such withholdings which are to be remitted to the same circuit clerk, other collection unit or to the payment center after October 1, 1999, as one payment together with a separate list identifying obligors for whom a withholding has been made and the amount withheld from each obligor so listed, and the withholding date or dates for each obligor.

13. For purposes of this section, "income" means any periodic form of payment due to an individual, regardless of source, including wages, salaries, commissions, bonuses, workers' compensation benefits, disability benefits, payments pursuant to a pension or a retirement program, and interest.

14. The employer shall withhold funds as directed in the notice, except if an employer receives an income withholding order issued by another state, the employer shall apply the income withholding law of the state of the obligor's principal place of employment in determining:

- (1) The employer's fee for processing an income withholding order;
- (2) The maximum amount permitted to be withheld from the obligor's income;
- (3) The time periods within which the employer shall implement the income withholding order and forward the child support payments;
- (4) The priorities for withholding and allocating income withheld for multiple child support obligees; and
- (5) Any withholding terms and conditions not specified in the order.

15. If the secretary of the Department of Health and Human Services promulgates a final standard format for an employer income withholding notice, the director shall use such notice prescribed by the secretary.

**454.606. NOTICE TO EMPLOYER OR UNION, NATIONAL MEDICAL SUPPORT NOTICE TO BE USED — NOTICE, HOW DELIVERED — DIVISION DUTIES.** — 1. In all IV-D cases in which income withholding for child support is to be initiated on the effective date of the order pursuant to section 452.350, RSMo, and section 454.505, respectively, the circuit clerk or division, as appropriate, shall send a notice to the employer or union of the parent who has been ordered to provide the health benefit plan coverage at the same time the support order withholding notice is issued. In cases in which the division enforces an order to obtain health benefit plan coverage, it also shall send a notice to the employer or union of the parent who has been ordered to provide the health benefit plan coverage.

2. The notice shall be sent to the employer or union **either by regular mail or** by certified mail, return receipt requested.

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3. The division shall use the National Medical Support Notice required by 42 U.S.C. Section 666(a)(19) and 45 C.F.R. Section 303.32 to enforce health benefit plan coverage under this chapter. All employers, unions, and plan administrators shall comply with the terms of the National Medical Support Notice, including the instructions therein, whether issued by the division or the IV-D agency of another state which appears regular on its face. The division shall:

(1) Transfer the National Medical Support Notice to an employer within two business days after the date of entry of an employee who is an obligor in a IV-D case in the state directory of new hires; and

(2) Promptly notify the appropriate employer or union if a current order for medical support for which the division is responsible is no longer in effect.

4. The notice issued by the circuit clerk shall contain, at a minimum, the following information:

(1) The parent's name and Social Security number;

(2) A statement that the parent is required to provide and maintain health benefit plan coverage for a dependent minor child; and

(3) The name, date of birth, and Social Security number, if available, for each child.

5. The notice to withhold sufficient funds from the earnings due the obligor to cover employee contributions or premiums, when necessary to comply with the order to provide health benefit plan coverage, is binding on current and successor employers for current and subsequent periods of employment. Such notice shall continue until further notice by the court or division.

6. The withholding of health benefit plan employee contributions or premiums from income, if required to comply with the order, shall not be held in abeyance pending the outcome of any hearing provided pursuant to section 454.609.

Approved June 27, 2003

## SB 346 [HCS SS SCS SB 346]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

### **Revises banking laws.**

AN ACT to repeal sections 30.270, 59.163, 173.387, 173.390, 306.410, 361.130, 361.140, 361.160, 361.170, 362.010, 362.105, 362.106, 362.170, 362.295, 362.910, 362.923, 364.030, 364.105, 365.030, 367.140, 367.509, 369.159, 400.9-525, 407.433, 408.140, 408.233, 408.450, 408.455, 408.460, 408.465, 408.467, 408.470, 408.500, 408.653, 408.654, and 447.510, RSMo, and to enact in lieu thereof thirty-two new sections relating to banking, with penalty provisions.

#### SECTION

A. Enacting clause.

30.270. Security for safekeeping of state funds.

59.163. Instruments where recorded or filed in counties of first class having two recording offices.

59.321. One dollar filing fee required, used for county employees' retirement system or general revenue account.

173.387. Authority not to be originator of guaranteed student loan, exceptions.

173.390. Bond issues — types authorized — rates — option to call for redemption before maturity, requirements — sale — price — cost.

306.410. Duties of parties upon creation of lien or encumbrance — failure of owner to perform certain duties, penalty.

361.130. Reports to director — information accepted in lieu of reports.

361.140. Preparation of information for report of department of economic development.

- 361.160. Examination of banks and trust companies.
- 361.170. Expenses of examination, how paid — division of finance fund, created, uses, transfers to general revenue fund, when.
- 362.010. Definitions.
- 362.105. Powers and authority of banks and trust companies.
- 362.106. Additional powers.
- 362.111. Fees and service charges permitted, when, conditions.
- 362.170. Unimpaired capital, defined — restrictions on loans, and total liability to any one person.
- 362.295. Reports to director — publication — penalty.
- 362.910. Definitions.
- 362.923. Bank holding companies, examination of, when — considered new business entity, when.
- 364.030. Financial institutions to obtain license, exceptions — application — fee.
- 364.105. Registration required — fee — forms.
- 365.030. Sales finance company, license required — exceptions — application — fee.
- 367.140. Annual registration — fee, amount — certificates, issuance, display.
- 367.509. Qualifications of applicants, fee, license issued, when.
- 369.159. Fee or service charge authorized.
- 370.171. Fee or service charge authorized.
- 400.9-525. Fees.
- 407.433. Protection of credit card and debit card account numbers, prohibited actions, penalty, exceptions — effective date, applicability.
- 408.140. Additional charges or fees prohibited, exceptions — no finance charges if purchases are paid for within certain time limit, exception.
- 408.233. Additional charges authorized.
- 408.455. Variable rate agreements subject to certain provisions.
- 408.500. Unsecured loans under five hundred dollars, licensure of lenders, interest rates and fees allowed — penalties for violations — cost of collection expenses — notice required, form.
- 447.510. Unclaimed funds held and owing by insurance company presumed abandoned, when — unclaimed funds defined — distribution of abandoned property, when.
- 408.450. Variable rate agreement by parties, requirement, limitation — account fluctuation, when — not applicable to credit cards — interest, how computed — prepayment penalties, prohibited.
- 408.460. Open-end contract, with variable rate — disclosures required to be given obligor — right of termination, rejection of new rate by obligor, effect.
- 408.465. Ceiling computation — information to compute unavailable, duty of lender, effect.
- 408.467. Renewal or extension of contract, maximum rate.
- 408.470. Certain loans and time price sales law not applicable.
- 408.653. Fee limitations, overdrafts.
- 408.654. Overdraft charge, amount.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 30.270, 59.163, 173.387, 173.390, 306.410, 361.130, 361.140, 361.160, 361.170, 362.010, 362.105, 362.106, 362.170, 362.295, 362.910, 362.923, 364.030, 364.105, 365.030, 367.140, 367.509, 369.159, 400.9-525, 407.433, 408.140, 408.233, 408.450, 408.455, 408.460, 408.465, 408.467, 408.470, 408.500, 408.653, 408.654, and 447.510, RSMo, are repealed and thirty-two new sections enacted in lieu thereof, to be known as sections 30.270, 59.163, 59.321, 173.387, 173.390, 306.410, 361.130, 361.140, 361.160, 361.170, 362.010, 362.105, 362.106, 362.111, 362.170, 362.295, 362.910, 362.923, 364.030, 364.105, 365.030, 367.140, 367.509, 369.159, 370.171, 400.9-525, 407.433, 408.140, 408.233, 408.455, 408.500, and 447.510, to read as follows:

**30.270. SECURITY FOR SAFEKEEPING OF STATE FUNDS.** — 1. For the security of the moneys deposited by the state treasurer pursuant to the provisions of this chapter, the state treasurer shall, from time to time, submit a list of acceptable securities to be approved by the governor and state auditor if satisfactory to them, and the state treasurer shall require of the selected and approved banks or financial institutions as security for the safekeeping and payment of deposits, securities from the list provided for in this section, which list may include only securities of the following kind and character:

- (1) Bonds or other obligations of the United States;

- (2) Bonds or other obligations of the state of Missouri including revenue bonds issued by state agencies or by state authorities created by legislative enactment;
- (3) Bonds of any city in this state having a population of not less than two thousand;
- (4) Bonds of any county in this state;
- (5) Approved registered bonds of any school district situated in this state;
- (6) Approved registered bonds of any special road district in this state;
- (7) State bonds of any state;
- (8) Notes, bonds, debentures or other similar obligations issued by the federal land banks, federal intermediate credit banks, or banks for cooperatives or any other obligations issued pursuant to the provisions of an act of the Congress of the United States known as the Farm Credit Act of 1971, and acts amendatory thereto;
- (9) Bonds of the federal home loan banks;
- (10) Any bonds or other obligations guaranteed as to payment of principal and interest by the government of the United States or any agency or instrumentality thereof;
- (11) Bonds of any political subdivision established pursuant to the provisions of section 30, article VI, of the Constitution of Missouri;
- (12) Tax anticipation notes issued by any county of the first classification;
- (13) A surety bond issued by an insurance company licensed pursuant to the laws of the state of Missouri whose claims-paying ability is rated in the highest category by at least one nationally recognized statistical rating agency. The face amount of such surety bond shall be at least equal to the portion of the deposit to be secured by the surety bond;
- (14) An irrevocable standby letter of credit issued by a Federal Home Loan Bank possessing the highest rating issued by at least one nationally recognized statistical rating agency;
- (15) Out-of-state municipal bonds, provided such bonds are rated in the highest category by at least one nationally recognized statistical rating agency.**

2. Securities deposited shall be in an amount valued at market equal at least to one hundred percent of the aggregate amount on time deposit as well as on demand deposit with the particular financial institution less the amount, if any, which is insured either by the Federal Deposit Insurance Corporation or by the Federal Savings and Loan Insurance Corporation or by the National Credit Unions Share Insurance Fund.

3. The securities or book entry receipts shall be delivered to the state treasurer and receipted for by the state treasurer and retained by the treasurer or by financial institutions that the governor, state auditor and treasurer agree upon. The state treasurer shall from time to time inspect the securities and book entry receipts and see that they are actually held by the state treasury or by the financial institutions selected as the state depositories. The governor and the state auditor may inspect or request an accounting of the securities or book entry receipts, and if in any case, or at any time, the securities are not satisfactory security for deposits made as provided by law, they may require additional security to be given that is satisfactory to them.

4. Any securities deposited pursuant to this section may from time to time be withdrawn and other securities described in the list provided for in subsection 1 of this section may be substituted in lieu of the withdrawn securities with the consent of the treasurer; but a sufficient amount of securities to secure the deposits shall always be held by the treasury or in the selected depositories.

5. If a financial institution of deposit fails to pay a deposit, or any part thereof, pursuant to the terms of its contract with the state treasurer, the state treasurer shall forthwith convert the securities into money and disburse the same according to law.

6. Any financial institution making deposits of bonds with the state treasurer pursuant to the provisions of this chapter may cause the bonds to be endorsed or stamped as it deems proper, so as to show that they are deposited as collateral and are not transferable except upon the conditions of this chapter or upon the release by the state treasurer.

**59.163. INSTRUMENTS WHERE RECORDED OR FILED IN COUNTIES OF FIRST CLASS HAVING TWO RECORDING OFFICES.** — In any county of the first class in which the recorder of deeds is required by law to keep offices both at the county seat and at another place within the county, all deeds, deeds of trust, mortgages, and other instruments affecting real property situated in that range in the county where the office outside of the county seat is located shall be recorded in such office and not at the county seat; and the proper place to file, or to file for record if goods are or are to become fixtures, [all financing statements or other instruments or statements incidental thereto, such as continuation statements, termination statements, statements of assignment, statements of release, in order to perfect, continue, terminate, assign, release or affect a security interest in accordance with article 9, part 4, chapter 400, the Uniform Commercial Code,] is as follows:

(1) [When the collateral is equipment used in farming operations, or farm products, or accounts, contract rights or general intangibles arising from or relating to the sale of farm products by a farmer, or consumer goods (as such types of collateral are defined in the Uniform Commercial Code) and the debtor's residence is in that range where the office outside the county seat is located, then in such office outside the county seat, or if the debtor is not a resident of this state and the goods are kept in that range where the office outside the county seat is located, then in such office outside the county seat, and in addition, when the collateral is crops, and the land on which the crops are growing or are to be grown is located in that range where the office outside the county seat is located, then in such office outside the county seat;

(2)] When the collateral is goods which at the time the security interest attaches are or are to become fixtures, and the land to which the fixtures are or are to be attached is located in that range where the office outside the county seat is located, then in such office outside the county seat, and any such filing shall be for record;

[(3) When the collateral is any other kind of property, in the office of the secretary of state and in addition: (a) If the debtor has a place of business only in such county of this state and only in that range where the office outside the county seat is located, also in such office outside the county seat, or (b) If the debtor has places of business only in such county of this state but has a place of business both in that range where the office outside the county seat is located, and also elsewhere in such county, then also in such office outside the county seat and also in such office at the county seat, or (c) If the debtor has no place of business in this state, but resides in that range where the office outside the county seat is located, then also in such office outside the county seat;

(4)] (2) In all other cases where the proper place, or one of the proper places, to file or to file for record is in the office of the recorder of deeds of such county, then only in such office at the county seat and not in such office outside the county seat;

(3) **All financing statements or other instruments or statements incidental thereto, such as continuation statements, termination statements, statements of assignment, in order to perfect, continue, terminate, assign, release, or affect a security interest in accordance with article 9, chapter 400, the Uniform Commercial Code, shall have priority over liens filed under this section for the time period after June 30, 2001, and before August 28, 2003.**

**59.321. ONE DOLLAR FILING FEE REQUIRED, USED FOR COUNTY EMPLOYEES' RETIREMENT SYSTEM OR GENERAL REVENUE ACCOUNT.** — **In addition to any other fee, the recorder of deeds in all counties and any city not within a county shall collect one dollar on all documents or instruments that are recorded. The recorder of deeds in all counties, except in counties with a charter form of government and any city not within a county, shall forward the fee to the county employees' retirement system pursuant to section 50.1190, RSMo, provided, however, that the recorder of deeds in any county with a charter form of government and any city not within a county whose employees are not members of the county employees' retirement system shall deposit the fee to the general**

revenue of that county or city not within a county. The provisions of this section shall become effective September 1, 2003.

**173.387. AUTHORITY NOT TO BE ORIGINATOR OF GUARANTEED STUDENT LOAN, EXCEPTIONS.** — The authority shall not, under any circumstances, be the originator of any federally guaranteed student loan, except for consolidation of existing student loans, **parent loans for undergraduate students (PLUS)**, and upon designation by the commissioner as lender of last resort.

**173.390. BOND ISSUES — TYPES AUTHORIZED — RATES — OPTION TO CALL FOR REDEMPTION BEFORE MATURITY, REQUIREMENTS — SALE — PRICE — COST.** — Bonds of the authority may be issued as serial bonds, as term bonds, or as a combination of both types. All such bonds issued by the authority shall be payable solely from and secured by a pledge of revenues derived from or by reason of the ownership of student loan notes and investment income or as may be designated in a bond resolution authorized by the authority. Such bonds may be executed and delivered by the authority at any time and from time to time, may be in such form and denomination or denominations and of such terms and maturities, may be in fully registered form or in bearer form, registrable either as to principal or interest or both, may bear such conversion privileges, may be payable in such installment or installments and at such time or times not exceeding [thirty] **forty** years from the date of the issuance thereof, may be payable at such place or places whether within or without the state of Missouri, may bear interest at such rate or rates per annum as determined by the authority without regard to section 108.170, RSMo, may be made payable at such time or times and at such place or places, may be evidenced in such manner, may be executed by such officers of the authority, may have attached thereto, in the case of bearer bonds or bonds registrable as to principal only, interest coupons bearing the facsimile signature of the secretary of the authority, and may contain such provisions not inconsistent herewith, all as shall be provided in the bond resolution or resolutions of the authority whereunder the bonds shall be authorized to be issued. If deemed advisable by the authority, there may be retained in the bond resolution under which any bonds of the authority are authorized to be issued an option to call for redemption in advance of maturity all or any part of such bonds as may be specified in the bond resolution, at such price or prices, upon the giving of such notice or notices, and upon such terms and conditions as may be set forth in the bond resolution and as may be recited on the face of the bonds, but nothing in this section shall be construed to confer upon the authority the right or option to call for redemption in advance of maturity any bonds except as may be provided in the bond resolution under which they shall be issued. The bonds of the authority may be sold at public or private sale for such price, in such manner, and from time to time as may be determined by the authority notwithstanding the provisions of section 108.170, RSMo, and the authority may pay all expenses, premiums, and commissions which it may deem necessary or advantageous in connection with the issuance thereof from the proceeds of the bonds. Other forms of indebtedness issued by the authority shall have such terms as may be provided in a bond resolution authorized by the authority. Any such indebtedness may bear interest at such rates and be sold in such manner as may be determined by the authority notwithstanding the provisions of section 108.170, RSMo, and the authority may pay all expenses, premiums and commissions which it may deem necessary or advantageous in connection with the issuance thereof from proceeds therefrom or from other funds of the authority.

**306.410. DUTIES OF PARTIES UPON CREATION OF LIEN OR ENCUMBRANCE — FAILURE OF OWNER TO PERFORM CERTAIN DUTIES, PENALTY.** — If an owner creates a lien or encumbrance on an outboard motor, motorboat, vessel, or watercraft:

(1) The owner shall immediately execute the application, either in the space provided therefor on the certificate of title or on a separate form the director of revenue prescribes, to name

the lienholder on the certificate of title, showing the name and address of the lienholder and the date of his or her security agreement, and shall cause the certificate of title, the application and the required fee to be mailed or delivered to the director of revenue. Failure of the owner to do so is a class A misdemeanor;

(2) The lienholder or an authorized agent licensed pursuant to sections 301.112 to 301.119, RSMo, shall deliver to the director of revenue a notice of lien as prescribed by the director accompanied by all other necessary documentation to perfect a lien pursuant to section 306.400;

(3) To perfect a lien for a subordinate lienholder when a transfer of ownership occurs, the subordinate lienholder shall either mail or deliver, or cause to be mailed or delivered, a completed notice of lien to the department of revenue, accompanied by authorization from the first lienholder. The owner shall ensure the subordinate lienholder is recorded on the application for title at the time the application is made to the department of revenue. To perfect a lien for a subordinate lienholder when there is no transfer of ownership, the owner or lienholder in possession of the certificate shall either mail or deliver, or cause to be mailed or delivered, the owner's application for title, certificate, notice of lien, authorization from the first lienholder and title fee to the department of revenue. The delivery of the certificate and executing a notice of authorization to add a subordinate lien does not affect the rights of the first lienholder under the security agreement;

(4) Upon receipt of the documents and fee required in subdivision (3) of this section, the director of revenue shall issue a new certificate of title containing the name and address of the new lienholder, and mail the certificate of title to the [first lienholder] **owner** named in it or if a lienholder has elected to have the director of revenue retain possession of an electronic certificate of title, the lienholder shall either mail or deliver to the director a notice of authorization for the director to add a subordinate lienholder to the existing certificate as prescribed in section 306.405. Upon receipt of such authorization and a notice of lien from a subordinate lienholder, the director shall add the subordinate lienholder to the certificate of title being electronically retained by the director and provide confirmation of the addition to both lienholders.

**361.130. REPORTS TO DIRECTOR — INFORMATION ACCEPTED IN LIEU OF REPORTS. —**

1. The director shall require all financial institutions under his **or her** supervision to make regular periodic reports of their condition to him **or her**, and in addition [he] **the director** may require special reports at such times as he **or she** may prescribe. The director shall prescribe the form and contents of all such reports. Such reports shall be verified and the director shall prescribe the form of verification.

2. The director, at least two times in each year, shall designate some day as of which every bank or trust company under [his] **the director's** supervision shall report to him **or her**. [He] **The director** shall serve a notice designating such day by delivering a copy thereof to some officer of such corporation at its place of business or by mail, postage prepaid, addressed to such corporation at its principal place of business.

**3. In lieu of requiring direct filing of reports of condition, the director may obtain the information from data filed with federal regulatory agencies but may require verification and the filing of supplemental information as the director deems necessary.**

**361.140. PREPARATION OF INFORMATION FOR REPORT OF DEPARTMENT OF ECONOMIC DEVELOPMENT. —** 1. The director of finance shall prepare the following information to be included in the report of the director of the department of economic development:

(1) A summary of the state and condition of every corporation required to report to him **or her** and from which reports have been received **or obtained pursuant to subsection 3 of section 361.130** during the preceding two years, at the several dates to which such reports refer, with an abstract of the whole amount of capital reported by them, the whole amount of their debts and liabilities and the total amount of their resources, specifying in the case of banks and trust companies the amount of lawful money held by them at the time of their several reports,

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and such other information in relation to such corporations as, in his **or her** judgment, may be useful;

(2) A statement of all corporations authorized by him **or her** to do business during the previous biennium with their names and locations and the dates on which their respective certificates of incorporation were issued, particularly designating such as have commenced business during the biennium;

(3) A statement of the corporations whose business has been closed either voluntarily or involuntarily, during the biennium, with the amount of their resources and of their deposits and other liabilities as last reported by them and the amount of unclaimed and unpaid deposits, dividends and interest held by him **or her** on account of each;

(4) A statement of the amount of interest earned upon all unclaimed deposits, dividends and interest held by him **or her** pursuant to the requirements of this chapter;

(5) Any amendments to this chapter, which, in his **or her** judgment, may be desirable;

(6) The names and compensation of the deputies, clerks, examiners, special agents and other employees employed by him **or her**, and the whole amount of the receipts and expenditures of the division during each of the last two preceding fiscal years.

2. All such reports shall be printed at the expense of the state and paid for as other public printing.

**361.160. EXAMINATION OF BANKS AND TRUST COMPANIES.** — 1. The director of finance at least once each year, either personally or by a deputy or examiner appointed by the director, shall visit and examine every bank and trust company organized and doing business under the laws of this state, and every other corporation which is by law required to report to the director; except, for banks or trust companies receiving a Camel 1 or Camel 2 rating from the division of finance, the director of finance at least once each eighteen calendar months either personally or by a deputy or examiner appointed by the director, shall visit and examine such bank or trust company, and the director of finance, at the director's discretion, may conduct the director's examination, or any part thereof, on the basis of information contained in examination reports of other states, the Federal Deposit Insurance Corporation or the Federal Reserve Board or in audits performed by certified public accountants. **The director shall be afforded prompt and free access to any workpapers upon which a certified public accountant bases an audit. A certified public accountant shall retain workpapers for a minimum of three years after the date of issuance of the certified public accountant's report to the bank or trust company.** The director or the director's agent may concentrate the examinations on institutions which the director believes have safety or soundness concerns.

2. The director, or the deputy or examiners designated by the director for that purpose, shall have power to examine any such corporation whenever, in the director's judgment, it may be deemed necessary or expedient, and shall have power to examine every agency located in this state of any foreign banking corporation and every branch in this state of any out-of-state bank, for the purpose of ascertaining whether it has violated any law of this state, and for such other purposes and as to such other matters as the director may prescribe.

3. The director and the director's deputy and examiners shall have power to administer oaths to any person whose testimony may be required in such examination or investigation of any such corporation or agency, and to compel the appearance and attendance of any person for the purpose of any such examination or investigation.

4. On every such examination inquiry shall be made as to the condition and resources of such corporation, the mode of conducting and managing its affairs, the actions of its directors or trustees, the investment of its funds, the safety and prudence of its management, the security afforded to its creditors, and whether the requirements of its charter and of law have been complied with in the administration of its affairs, and as to such other matters as the director may prescribe.

5. The director may also make such special investigations as the director deems necessary to determine whether any individual or corporation has violated any of the provisions of this law.

6. Such examination may be made and such inquiry instituted or continued in the discretion of the director after the director has taken possession of the property and business of any such corporation, until it shall resume business or its affairs shall be finally liquidated in accordance with the provisions of this chapter.

7. The result of each examination shall be certified by the director or the examiner upon the records of the corporation examined and the result of all examinations during the biennial period shall be embodied in the report to be made by the director of the department of economic development to the legislature.

8. The director may contract with regulators in other states to provide for the examination of Missouri branches of out-of-state banks and branches of banks whose home state is Missouri. The agreements may provide for the payment by the home state of the cost of examinations conducted by the host state at the request of the home state regulators.

**361.170. EXPENSES OF EXAMINATION, HOW PAID — DIVISION OF FINANCE FUND, CREATED, USES, TRANSFERS TO GENERAL REVENUE FUND, WHEN.** — 1. The expense of every regular and every special examination, together with the expense of administering the banking laws, including salaries, travel expenses, supplies and equipment, and including the direct and indirect expenses for rent and other supporting services furnished by the state, shall be paid by the banks and trust companies of the state, and for this purpose the director shall, prior to the beginning of each fiscal year, make an estimate of the expenses to be incurred by the division during such fiscal year. To this, there shall be added an amount equal to fifteen percent of the estimated expenses to pay the costs of rent and other supporting services such as the costs related to the division's services from the state auditor and attorney general and an amount sufficient to cover the cost of fringe benefits furnished by the state. From this total amount the director shall deduct the estimated amount of the anticipated annual income to the fund from all sources other than bank or trust company assessments. The director shall allocate and assess the remainder to the several banks and trust companies in the state on the basis of a weighted formula to be established by the director, which will take into consideration their total assets, as reflected in the last preceding report called for by the director pursuant to the provisions of section 361.130 **or from information obtained pursuant to subsection 3 of section 361.130** and, for trust companies which do not take deposits or make loans, the volume of their trust business, and the relative cost, in salaries and expenses, of examining banks and trust companies of various size and this calculation shall result in an assessment for each bank and trust company which reasonably represents the costs of the division of finance incurred with respect to such bank or trust company. A statement of such assessment shall be sent by the director to each bank and trust company on or before July first. One-half of the amount so assessed to each bank or trust company shall be paid by it to the state director of the department of revenue on or before July fifteenth, and the remainder shall be paid on or before January fifteenth of the next year.

2. Any expenses incurred or services performed on account of any bank, trust company or other corporation subject to the provisions of this chapter, outside of the normal expense of any annual or special examination, shall be charged to and paid by the corporation for whom they were incurred or performed.

3. The state treasurer shall credit such payments to a special fund to be known as the "Division of Finance Fund", which is hereby created and which shall be devoted solely to the payment of expenditures actually incurred by the division and attributable to the regulation of banks, trust companies, and other corporations subject to the jurisdiction of the division. Any amount, other than the fifteen percent for supporting services and the amount of fringe benefits described in subsection 1 of this section, remaining in such fund at the end of any fiscal year up to five percent of the amount assessed to the banks and trust companies pursuant to subsection 1 of this section shall not be transferred and placed to the credit of the general revenue fund as

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provided in section 33.080, RSMo, but shall be applicable by appropriation of the general assembly to the payment of such expenditures of the division in the succeeding fiscal year and shall be applied by the division to the reduction of the amount to be assessed to banks and trust companies in such succeeding fiscal year; provided the fifteen percent for supporting services and the amount of fringe benefits described in subsection 1 of this section and any amount remaining in the division of finance fund at the end of the fiscal year which exceeds five percent of the amount assessed to the banks and trust companies pursuant to subsection 1 of this section shall be returned to general revenue.

**362.010. DEFINITIONS.**— When used in this chapter, the term:

(1) "Aggregate demand deposits" means the deposit against which reserves must be maintained by banks and trust companies and includes total deposits, all amounts due to banks, bankers and trust companies, the amount due on certified and cashier's checks, and for unpaid dividends, less the following items:

- (a) Total time deposits;
- (b) The amounts due it on demand from banks, bankers and trust companies, other than its reserve depositaries, including foreign exchange balances credited to it and subject to draft;
- (c) The excess due it from reserve depositaries over the amount required to maintain its total reserves;

(2) "Assessment" shall be construed as synonymous with the word "forfeiture";

(3) "Bank" means any corporation soliciting, receiving or accepting money, or its equivalent, on deposit as a business, whether the deposit is made subject to check, or is evidenced by a certificate of deposit, a passbook, a note, a receipt, or other writing, **and specifically a commercial bank chartered under this chapter or a national bank located in this state;**

(4) "Demand deposits" means deposits, payment of which can legally be required [within thirty days] **as provided in federal law and regulation;**

(5) "Dividend period" means the period from the date as of which the last dividend of any corporation to which this chapter is applicable was declared to the date selected for the declaration of the next dividend; or the period from the date when its corporate existence began to the date as of which the first dividend is declared;

(6) "Net earnings" means the excess of gross earnings of any corporation to which this chapter is applicable over expenses and losses chargeable against the earnings during any dividend period;

(7) "Population" means population as determined by the last state or federal enumeration; or when used in connection with the words "unincorporated village" as determined by the finance commissioner from the best available sources of information, **except as otherwise provided in this chapter;**

(8) "Reserve depositary" means a bank, trust company or banking corporation approved by the finance director as a depositary for reserves on deposit;

(9) "Reserves on deposit" means the reserves against deposits maintained by any corporation pursuant to this chapter in reserve depositaries, or in a federal reserve bank of which the corporation is a member, and not in excess of the amount authorized by this chapter;

(10) "Reserves on hand" means the reserves against deposits kept in the vault of any individual or corporation pursuant to the provisions of this chapter;

(11) "Stockholder", unless otherwise qualified, means a person who appears by the books of a stock corporation to be the owner and holder of one or more shares of the stock of the corporation;

(12) "Surplus" means the excess of assets over liabilities including liability to stockholders;

(13) "Surplus fund" means a fund created pursuant to the provisions of this chapter by a bank or trust company from its net earnings or undivided profits, which to the amount specified

in this chapter is not available for the payment of dividends and cannot be used for the payment of expenses or losses so long as any corporation has undivided profits;

(14) "Time deposits" means all deposits, the payment of which cannot legally be required [within thirty days] **as provided in federal law and regulation;**

(15) "Total profits" means the total amount of undistributed net earnings of any corporation to which this chapter is applicable from the date of its organization, including such portions of its surplus fund or guaranty fund as have been derived from net earnings or from undivided profits;

(16) "Total reserves" means the aggregate of reserves on hand and reserves on deposit maintained pursuant to the provisions of this chapter;

(17) "Undivided profits" means the credit balance of the profit and loss account of any corporation to which this chapter is applicable.

**362.105. POWERS AND AUTHORITY OF BANKS AND TRUST COMPANIES.** — 1. Every bank and trust company created under the laws of this state may for a fee or other consideration, directly or through a subsidiary company, and upon complying with any applicable licensing statute:

(1) Conduct the business of receiving money on deposit and allowing interest thereon not exceeding the legal rate or without allowing interest thereon, and of buying and selling exchange, gold, silver, coin of all kinds, uncurrent money, of loaning money upon real estate or personal property, and upon collateral of personal security at a rate of interest not exceeding that allowed by law, and also of buying, investing in, selling and discounting negotiable and nonnegotiable paper of all kinds, including bonds as well as all kinds of commercial paper; and for all loans and discounts made, the corporation may receive and retain the interest in advance;

(2) Accept for payment, at a future date, drafts drawn upon it by its customers and to issue letters of credit authorizing the holders thereof to draw drafts upon it or upon its correspondents at sight or on time not exceeding one year; provided, that no bank or trust company shall incur liabilities under this subdivision to an amount equal at any time in the aggregate to more than its paid-up and unimpaired capital stock and surplus fund, except with the approval of the director under such general regulations as to amount of acceptances as the director may prescribe;

(3) Purchase and hold, for the purpose of becoming a member of a Federal Reserve Bank, so much of the capital stock thereof as will qualify it for membership in the reserve bank pursuant to an act of Congress, approved December 23, 1913, entitled "The Federal Reserve Act" and any amendments thereto; to become a member of the Federal Reserve Bank, and to have and exercise all powers, not in conflict with the laws of this state, which are conferred upon any member by the Federal Reserve Act and any amendments thereto. The member bank or trust company and its directors, officers and stockholders shall continue to be subject, however, to all liabilities and duties imposed upon them by any law of this state and to all the provisions of this chapter relating to banks or trust companies;

(4) Subscribe for and purchase such stock in the Federal Deposit Insurance Corporation and to make such payments to and to make such deposits with the Federal Deposit Insurance Corporation and to pay such assessments made by such corporation as will enable the bank or trust company to obtain the benefits of the insurance of deposits under the act of Congress known as "The Banking Act of 1933" and any amendments thereto;

(5) Invest in a bank service corporation as defined by the act of Congress known as the "Bank Service Corporation Act", Public Law 87-856, as approved October 23, 1962, to the same extent as provided by that act or any amendment thereto;

(6) Hold a noncontrolling equity interest in any business entity that conducts only activities that are financial in nature or incidental to financial activity or that is established pursuant to subdivision (16) of this subsection where the majority of the stock or other interest is held by Missouri banks, Missouri trust companies, national banks located in Missouri, or any foreign bank with a branch or branches in Missouri, or any combination of these financial institutions;

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provided that if the entity is defined pursuant to Missouri law as any type of financial institution subsidiary or other type of entity subject to special conditions or regulations, those conditions and regulations shall remain applicable, and provided that such business entity may be formed as any type of business entity, in which each investor's liability is limited to the investment in and loans to the business entity as otherwise provided by law;

(7) Receive upon deposit for safekeeping personal property of every description, and to own or control a safety vault and rent the boxes therein;

(8) Purchase and hold the stock of one safe deposit company organized and existing under the laws of the state of Missouri and doing a safe deposit business on premises owned or leased by the bank or trust company at the main banking house and any branch operated by the bank or trust company; provided, that the purchasing and holding of the stock is first duly authorized by resolution of the board of directors of the bank or trust company and by the written approval of the director, and that all of the shares of the safe deposit company shall be purchased and held, and shall not be sold or transferred except as a whole and not be pledged at all, all sales or transfers or pledges in violation hereof to be void;

(9) Act as the fiscal or transfer agent of the United States, of any state, municipality, body politic or corporation and in such capacity to receive and disburse money, to transfer, register and countersign certificates of stock, bonds and other evidences of indebtedness;

(10) [Purchase, lease, hold] **Acquire** or convey real property for the following purposes:

(a) [With the approval of the director, plots whereon there is or may be erected a building or buildings suitable for the convenient conduct of its functions or business or for customer or employee parking even though a revenue may be derived from portions not required for its own use, and as otherwise permitted by law;

(b)] Real property conveyed to it in satisfaction or part satisfaction of debts previously contracted in the course of its business; **and**

[(c)] **(b)** Real property purchased at sales under judgment, decrees or liens held by it;

(11) Purchase, hold and become the owner and lessor of personal property acquired upon the specific request of and for use of a customer; and, in addition, leases that neither anticipate full purchase price repayment on the leased asset, nor require the lease to cover the physical life of the asset, other than those for motor vehicles which will not be used by bank or trust company personnel, and may incur such additional obligations as may be incident to becoming an owner and lessor of the property, subject to the following limitations:

(a) Lease transactions do not result in loans for the purpose of section 362.170, but the total amount disbursed under leasing obligations or rentals by any bank to any person, partnership, association, or corporation shall at no time exceed the legal loan limit permitted by statute except upon the written approval of the director of finance;

(b) Lease payments are in the nature of rent rather than interest, and the provisions of chapter 408, RSMo, are not applicable;

(12) Contract with another bank or trust company, bank service corporation or other partnership, corporation, association or person, within or without the state, to render or receive services such as check and deposit sorting and posting, computation and posting of interest and other credits and charges, preparation and mailing of checks, statements, notices, and similar items, or any other clerical, bookkeeping, accounting, statistical, financial counseling, or similar services, or the storage, transmitting or processing of any information or data; except that, the contract shall provide, to the satisfaction of the director of finance, that the party providing such services to a bank or trust company will be subject to regulation and examination to the same extent as if the services were being performed by the bank or trust company on its own premises. This subdivision shall not be deemed to authorize a bank or trust company to provide any customer services through any system of electronic funds transfer at places other than bank premises;

(13) Purchase and hold stock in a corporation whose only purpose is to purchase, lease, hold or convey real property of a character which the bank or trust company holding stock in the

corporation could itself purchase, lease, hold or convey pursuant to the provisions of paragraph (a) of subdivision (10) of this subsection; provided, the purchase and holding of the stock is first duly authorized by resolution of the board of directors of the bank or trust company and by the written approval of the director, and that all of the shares of the corporation shall be purchased and held by the bank or trust company and shall not be sold or transferred except as a whole;

(14) Purchase and sell investment securities, without recourse, solely upon order and for the account of customers; and establish and maintain one or more mutual funds and offer to the public shares or participations therein. Any bank which engages in such activity shall comply with all provisions of chapter 409, RSMo, regarding the licensing and registration of sales personnel for mutual funds so offered, provided that such banks shall register as a broker-dealer with the office of the commissioner of securities and shall consent to supervision and inspection by that office and shall be subject to the continuing jurisdiction of that office;

(15) Make debt or equity investments in corporations or projects, whether for profit or not for profit, designed to promote the development of the community and its welfare, provided that the aggregate investment in all such corporations and in all such projects does not exceed five percent of the unimpaired capital of the bank, and provided that this limitation shall not apply to loans made under the authority of other provisions of law, and other provisions of law shall not limit this subdivision;

(16) Offer through one or more subsidiaries any products and services which a national bank may offer through its financial subsidiaries, subject to the limitations that are applicable to national bank financial subsidiaries, and provided such bank or trust company meets the division of finance safety and soundness considerations. This subdivision is enacted to provide in part competitive equality with national banks' powers under the Gramm-Leach-Bliley Act of 1999, Public Law 106-102.

2. In addition to the power and authorities granted in subsection 1 of this section, and notwithstanding any limitations therein, a bank or trust company may:

(1) [Invest up to its legal loan limit in a building or buildings suitable for the convenient conduct of its business, including, but not limited to, a building or buildings suitable for the convenient conduct of its functions, parking for bank, trust company and leasehold employees and customers and real property for landscaping. Revenue may be derived from renting or leasing a portion of the building or buildings and the contiguous real estate; provided that, such bank or trust company has assets of at least two hundred million dollars] **Purchase or lease, in an amount not exceeding its legal loan limit, real property and improvements thereto suitable for the convenient conduct of its functions. The bank may derive income from renting or leasing such real property or improvements or both. If the purchase or lease of such real property or improvements exceeds the legal loan limit or is from an officer, director, employee, affiliate, principal shareholder or a related interest of such person, prior approval shall be obtained from the director of finance;** and

(2) Loan money on real estate and handle escrows, settlements and closings on real estate for the benefit of the bank's customers, as a core part of the banking business, notwithstanding any other provision of law to the contrary.

3. In addition to the powers and authorities granted in subsection 1 of this section, every trust company created under the laws of this state shall be authorized and empowered to:

(1) Receive money in trust and to accumulate the same at such rate of interest as may be obtained or agreed upon, or to allow such interest thereon as may be prescribed or agreed;

(2) Accept and execute all such trusts and perform such duties of every description as may be committed to it by any person or persons whatsoever, or any corporation, and act as assignee, receiver, trustee and depository, and to accept and execute all such trusts and perform such duties of every description as may be committed or transferred to it by order, judgment or decree of any courts of record of this state or other states, or of the United States;

(3) Take, accept and hold, by the order, judgment or decree of any court of this state, or of any other state, or of the United States, or by gift, grant, assignment, transfer, devise or bequest

of any person or corporation, any real or personal property in trust, and to execute and perform any and all the legal and lawful trusts in regard to the same upon the terms, conditions, limitations and restrictions which may be declared, imposed, established or agreed upon in and by the order, judgment, decree, gift, grant, assignment, transfer, devise or bequest;

(4) Buy, invest in and sell all kinds of stocks or other investment securities;

(5) Execute, as principal or surety, any bond or bonds required by law to be given in any proceeding, in law or equity, in any of the courts of this state or other states, or of the United States;

(6) Act as trustee, personal representative, or conservator or in any other like fiduciary capacity;

(7) Act as attorney-in-fact or agent of any person or corporation, foreign or domestic, in the management and control of real or personal property, the sale or conveyance of same, the investment of money, and for any other lawful purpose.

4. (1) In addition to the powers and authorities granted in this section, the director of finance may, from time to time, with the approval of the state banking board, issue orders granting such other powers and authorities as have been granted to financial institutions subject to the supervision of the federal government to:

(a) State-chartered banks and trust companies which are necessary to enable such banks and trust companies to compete;

(b) State-chartered banks and trust companies to establish branches to the same extent that federal law permits national banks to establish branches;

(c) Subsidiaries of state-chartered banks and trust companies to the same extent powers are granted to national bank subsidiaries to enable such banks and trust companies to compete;

(d) State-chartered banks and trust companies to establish trust representative offices to the same extent national banks are permitted such offices.

(2) The orders shall be promulgated as provided in section 361.105, RSMo, and shall not be inconsistent with the constitution and the laws of this state.

5. As used in this section, the term "subsidiary" shall include one or more business entities of which the bank or trust company is the owner, provided the owner's liability is limited by the investment in and loans to the subsidiary as otherwise provided for by law.

6. A bank or trust company to which authority is granted by regulation in subsection 4 of this section, based on the population of the political subdivision, may continue to exercise such authority for up to five years after the appropriate decennial census indicates that the population of the town in which such bank or trust company is located has exceeded the limits provided for by regulation pursuant to subsection 4 of this section.

**362.106. ADDITIONAL POWERS.** — In addition to the powers authorized by section 362.105:

(1) A bank or trust company may exercise all powers necessary, proper or convenient to effect any of the purposes for which the bank or trust company has been formed and any powers incidental to the business of banking;

(2) A bank or trust company may offer any direct and indirect benefits to a bank customer for the purpose of attracting deposits or making loans, provided said benefit is not otherwise prohibited by law, and the income or expense of such activity is nominal;

(3) Notwithstanding any other law to the contrary, every bank or trust company created under the laws of this state may, for a fee or other consideration, directly or through a subsidiary company, and upon complying with any applicable licensing statute, acquire and hold the voting stock of one or more corporations the activities of which are managing or owning agricultural property, owning and leasing governmental structures except as limited by other law, subdividing and developing real property and building residential housing or commercial improvements on such property, and owning, renting, leasing, managing, operating for income and selling such property; provided that, the total of all investments, loans and guarantees made pursuant to the

authority of this subdivision shall not exceed five percent of the total assets of the bank or trust company as shown on the next preceding published report of such bank or trust company to the director of finance, **or obtained by the director pursuant to subsection 3 of section 361.130, RSMo**, unless the director of the division of finance approves a higher percentage by regulation, but in no event shall such percentage exceed that allowed national banks by the appropriate regulatory authority, and, in addition to the investments permitted by this subdivision, a bank or trust company may extend credit, not to exceed the lending limits of section 362.170, to each of the corporations in which it has invested. No provision of this section authorizes a bank, **nondepository trust company**, or trust company to own or operate, directly or through a subsidiary company, a real estate brokerage company;

(4) Notwithstanding any other law to the contrary except for bank regulatory powers in chapter 361, RSMo, powers incidental to the business of banking shall include the authority of every Missouri bank, for a fee or other consideration, and upon complying with any applicable licensing and registration law, to conduct any activity that national banks are expressly authorized by federal law to conduct, if such Missouri bank meets the prescribed standards, provided that powers conferred by this subdivision:

(a) Shall always be subject to the same limitations applicable to a national bank for conducting the activity;

(b) Shall be subject to applicable Missouri insurance law;

(c) Shall be subject to applicable Missouri licensing and registration law for the activity;

(d) Shall be subject to the same treatment prescribed by federal law; and any enabling federal law declared invalid by a court of competent jurisdiction or by the responsible federal chartering agency shall be invalid for the purposes of this subdivision; and

(e) May be exercised by a Missouri bank after that institution has notified the director of its intention to exercise such specific power at the close of the notice period and the director, in response, has made a determination that the proposed activity is not an unsafe or unsound practice and such institution meets the prescribed standards required for the activity permitted national banks in the interpretive letter. The director may either take no action or issue an interpretive letter to the institution more specifically describing the activity permitted, and any limitations on such activity. The notice provided by the institution requesting such activity shall include copies of the specific law authorizing the power for national banks, and documentation indicating that such institution meets the prescribed standards. The notice period shall be thirty days but the director may extend it for an additional sixty days. After a determination has been made authorizing any activity pursuant to this subdivision, any Missouri bank may exercise such power as provided in subdivision (5) of this section without giving notice;

(5) When a determination is made pursuant to paragraph (e) of subdivision (4) of this section, the director shall issue a public interpretative letter or statement of no action regarding the specific power authorized pursuant to subdivision (4) of this section; such interpretative letters and statements of no action shall be made with the name of the specific institution and related identifying facts deleted. Such interpretative letters and statements of no action shall be published on the division of finance public Internet web site, and filed with the office of the secretary of state for ten days prior to effectiveness. Any other Missouri bank may exercise any power approved by interpretative letter or statement of no action of the director pursuant to this subdivision; provided, the institution meets the requirements of the interpretative letter or statement of no action and the prescribed standards required for the activity permitted national banks in the interpretive letter. Such Missouri bank shall not be required to give the notice pursuant to paragraph (e) of subdivision (4) of this section. For the purposes of this subdivision and subdivision (4) of this section, "activity" shall mean the offering of any product or service or the conducting of any other activity; "federal law" shall mean any federal statute or regulation or an interpretive letter issued by the Office of the Comptroller of the Currency; "Missouri bank" shall mean any bank or trust company created pursuant to the laws of this state.

**362.111. FEES AND SERVICE CHARGES PERMITTED, WHEN, CONDITIONS.** — A bank or trust company may impose fees or service charges on deposit accounts; however, such fees or service charges are subject to such conditions or requirements that may be fixed by regulations pursuant to section 361.105, RSMo, by the director of the division of finance and the state banking board. Notwithstanding any law to the contrary, no such condition or requirement shall be more restrictive than the fees or service charges on deposit accounts or similar accounts permitted any federally chartered depository institution.

**362.170. UNIMPAIRED CAPITAL, DEFINED — RESTRICTIONS ON LOANS, AND TOTAL LIABILITY TO ANY ONE PERSON.** — 1. As used in this section, the term "unimpaired capital" includes common and preferred stock, capital notes, the surplus fund, undivided profits and any reserves, not subject to known charges as shown on the next preceding published report of the bank or trust company to the director of finance or obtained by the director pursuant to subsection 3 of section 361.130, RSMo. For purposes of lending limitations, goodwill may comprise no more than ten percent of unimpaired capital.

2. No bank or trust company subject to the provisions of this chapter shall:

(1) Directly or indirectly, lend to any individual, partnership, corporation, limited liability company or body politic, either by means of letters of credit, by acceptance of drafts, or by discount or purchase of notes, bills of exchange, or other obligations of the individual, partnership, corporation, limited liability company or body politic an amount or amounts in the aggregate which will exceed the greater of: (i) twenty-five percent of the unimpaired capital of the bank or trust company, provided such bank or trust company has a composite rating of 1 or 2 under the Capital, Assets, Management, Earnings, Liquidity and Sensitivity (CAMELS) rating system of the Federal Financial Institute Examination Counsel (FFIEC); (ii) fifteen percent of the unimpaired capital of the bank or trust company if located in a city having a population of one hundred thousand or over; twenty percent of the unimpaired capital of the bank or trust company if located in a city having a population of less than one hundred thousand and over seven thousand; and twenty-five percent of the unimpaired capital of the bank or trust company if located elsewhere in the state, with the following exceptions:

(a) The restrictions in this subdivision shall not apply to:

a. Bonds or other evidences of debt of the government of the United States or its territorial and insular possessions, or of the state of Missouri, or of any city, county, town, village, or political subdivision of this state;

b. Bonds or other evidences of debt, the issuance of which is authorized under the laws of the United States, and as to which the government of the United States has guaranteed or contracted to provide funds to pay both principal and interest;

c. Bonds or other evidences of debt of any state of the United States other than the state of Missouri, or of any county, city or school district of the foreign state, which county, city, or school district shall have a population of fifty thousand or more inhabitants, and which shall not have defaulted for more than one hundred twenty days in the payment of any of its general obligation bonds or other evidences of debt, either principal or interest, for a period of ten years prior to the time of purchase of the investment and provided that the bonds or other evidences of debt shall be a direct general obligation of the county, city, or school district;

d. Loans to the extent that they are insured or covered by guaranties or by commitments or agreements to take over or purchase made by any department, bureau, board, commission, or establishment of the United States or of the state of Missouri, including any corporation, wholly owned, directly or indirectly, by the United States or of the state of Missouri, pursuant to the authority of any act of Congress or the Missouri general assembly heretofore or hereafter adopted or amended or pursuant to the authority of any executive order of the President of the United States or the governor of Missouri heretofore or hereafter made or amended under the authority

of any act of Congress heretofore or hereafter adopted or amended, and the part of the loan not so agreed to be purchased or discounted is within the restrictive provisions of this section;

e. Obligations to any bank or trust company in the form of notes of any person, copartnership, association, corporation or limited liability company, secured by not less than a like amount of direct obligations of the United States which will mature in not exceeding five years from the date the obligations to the bank are entered into;

f. Loans to the extent they are secured by a segregated deposit account in the lending bank if the lending bank has obtained a perfected security interest in such account;

g. Evidences of debt which are direct obligations of, or which are guaranteed by, the Government National Mortgage Association, the Federal National Mortgage Association, the Student Loan Marketing Association, the Federal Home Loan Banks, the Federal Farm Credit Bank or the Federal Home Loan Mortgage Corporation, or evidences of debt which are fully collateralized by direct obligations of, and which are issued by, the Government National Mortgage Association, the Federal National Mortgage Association, the Student Loan Marketing Association, a Federal Home Loan Bank, the Federal Farm Credit Bank or the Federal Home Loan Mortgage Corporation;

(b) The total liabilities to the bank or trust company of any individual, partnership, corporation or limited liability company may equal but not exceed thirty-five percent of the unimpaired capital of the bank or trust company; provided, that all of the total liabilities in excess of the legal loan limit of the bank or trust company as defined in this subdivision are upon paper based upon the collateral security of warehouse receipts covering agricultural products or the manufactured or processed derivatives of agricultural products in public elevators and public warehouses subject to state supervision and regulation in this state or in any other state of the United States, under the following conditions: first, that the actual market value of the property held in store and covered by the receipt shall at all times exceed by at least fifteen percent the amount loaned upon it; and second, that the property covered by the receipts shall be insured to the full market value thereof against loss by fire and lightning, the insurance policies to be issued by corporations or individuals licensed to do business by the state in which the property is located, and when the insurance has been used to the limit that it can be secured, then in corporations or with individuals licensed to do an insurance business by the state or country of their incorporation or residence; and all policies covering property on which the loan is made shall have endorsed thereon, "loss, if any, payable to the holder of the warehouse receipts"; and provided further, that in arriving at the amount that may be loaned by any bank or trust company to any individual, partnership, corporation or limited liability company on elevator or warehouse receipts there shall be deducted from the thirty-five percent of its unimpaired capital the total of all other liabilities of the individual, partnership, corporation or limited liability company to the bank or trust company;

(c) In computing the total liabilities of any individual to a bank or trust company there shall be included all liabilities to the bank or trust company of any partnership of which the individual is a member, and any loans made for the individual's benefit or for the benefit of the partnership; of any partnership to a bank or trust company there shall be included all liabilities of and all loans made for the benefit of the partnership; of any corporation to a bank or trust company there shall be included all loans made for the benefit of the corporation and of any limited liability company to a bank or trust company there shall be included all loans made for the benefit of the limited liability company;

(d) The purchase or discount of drafts, or bills of exchange drawn in good faith against actually existing values, shall not be considered as money borrowed within the meaning of this section; and the purchase or discount of negotiable or nonnegotiable paper which carries the full recourse endorsements or guaranty or agreement to repurchase of the person, copartnership, association, corporation or limited liability company negotiating the same, shall not be considered as money borrowed by the endorser or guarantor or the repurchaser within the meaning of this section, provided that the files of the bank or trust company acquiring the paper contain the

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written certification by an officer designated for this purpose by its board of directors that the responsibility of the makers has been evaluated and the acquiring bank or trust company is relying primarily upon the makers thereof for the payment of the paper;

(e) For the purpose of this section, a loan guaranteed by an individual who does not receive the proceeds of the loan shall not be considered a loan to the guarantor;

(f) Investments in mortgage-related securities, as described in the Secondary Mortgage Market Enhancement Act of 1984, P.L. 98-440, excluding those described in subparagraph g. of paragraph (a) of subdivision (1) of this subsection, shall be subject to the restrictions of this section, provided that a bank or trust company may invest up to two times its legal loan limit in any such securities that are rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization;

(2) Nor shall any of its directors, officers, agents, or employees, directly or indirectly purchase or be interested in the purchase of any certificate of deposit, pass book, promissory note, or other evidence of debt issued by it, for less than the principal amount of the debt, without interest, for which it was issued. Every bank or trust company or person violating the provisions of this subdivision shall forfeit to the state the face value of the note or other evidence of debt so purchased;

(3) Make any loan or discount on the security of the shares of its own capital stock, or be the purchaser or holder of these shares, unless the security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith, and stock so purchased or acquired shall be sold at public or private sale, or otherwise disposed of, within six months from the time of its purchase or acquisition unless the time is extended by the finance director. Any bank or trust company violating any of the provisions of this subdivision shall forfeit to the state the amount of the loan or purchase;

(4) Knowingly lend, directly or indirectly, any money or property for the purpose of enabling any person to pay for or hold shares of its stock, unless the loan is made upon security having an ascertained or market value of at least fifteen percent more than the amount of the loan. Any bank or trust company violating the provision of this subdivision shall forfeit to the state the amount of the loan;

(5) No salaried officer of any bank or trust company shall use or borrow for himself or herself, directly or indirectly, any money or other property belonging to any bank or trust company of which the person is an officer, in excess of ten percent of the unimpaired capital of the bank or trust company, nor shall the total amount loaned to all salaried officers of any bank or trust company exceed twenty-five percent of the unimpaired capital of the bank or trust company. Where loans and a line of credit are made to salaried officers, the loans and line of credit shall first be approved by a majority of the board of directors or of the executive or discount committee, the approval to be in writing and the officer to whom the loans are made, not voting. The form of the approval shall be as follows:

We, the undersigned, constituting a majority of the ..... of the ..... (bank or trust company), do hereby approve a loan of \$..... or a line of credit of \$....., or both, to ....., it appearing that the loan or line of credit, or both, is not more than 10 percent of the unimpaired capital of ..... (bank or trust company); it further appearing that the loan (money actually advanced) will not make the aggregate of loans to salaried officers more than 25 percent of the unimpaired capital of the bank or trust company.

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Dated this ..... day of ....., 20....

Provided, if the officer owns or controls a majority of the stock of any other corporation, a loan to that corporation shall be considered for the purpose of this subdivision as a loan to the officer.

Every bank or trust company or officer thereof knowingly violating the provisions of this subdivision shall, for each offense, forfeit to the state the amount lent;

(6) Invest or keep invested in the stock of any private corporation, provided however, a bank or trust company may invest in equity stock in the Federal Home Loan Bank up to twice the limit described in subdivision (1) of this subsection and except as otherwise provided in this chapter.

3. Provided, that the provisions in this section shall not be so construed as in any way to interfere with the rules and regulations of any clearinghouse association in this state in reference to the daily balances; and provided, that this section shall not apply to balances due from any correspondent subject to draft.

4. Provided, that a trust company which does not accept demand deposits shall be permitted to make loans secured by a first mortgage or deed of trust on real estate to any individual, partnership, corporation or limited liability company, and to deal and invest in the interest-bearing obligations of any state, or any city, county, town, village, or political subdivision thereof, in an amount not to exceed its unimpaired capital, the loans on real estate not to exceed sixty-six and two-thirds percent of the appraised value of the real estate.

5. Any officer, director, agent, clerk, or employee of any bank or trust company who willfully and knowingly makes or concurs in making any loan, either directly or indirectly, to any individual, partnership, corporation or limited liability company or by means of letters of credit, by acceptance of drafts, or by discount or purchase of notes, bills of exchange or other obligation of any person, partnership, corporation or limited liability company, in excess of the amounts set out in this section, shall be deemed guilty of a class C felony.

6. A trust company in existence on October 15, 1967, or a trust company incorporated thereafter which does not accept demand deposits, may invest in but shall not invest or keep invested in the stock of any private corporation an amount in excess of fifteen percent of the capital and surplus fund of the trust company; provided, however, that this limitation shall not apply to the ownership of the capital stock of a safe deposit company as provided in section 362.105; nor to the ownership by a trust company in existence on October 15, 1967, or its stockholders of a part or all of the capital stock of one bank organized under the laws of the United States or of this state, nor to the ownership of a part or all of the capital of one corporation organized under the laws of this state for the principal purpose of receiving savings deposits or issuing debentures or loaning money on real estate or dealing in or guaranteeing the payment of real estate securities, or investing in other securities in which trust companies may invest under this chapter; nor to the continued ownership of stocks lawfully acquired prior to January 1, 1915, and the prohibition for investments in this subsection shall not apply to investments otherwise provided by law other than subdivision (4) of subsection 3 of section 362.105.

7. Any bank or trust company to which the provisions of subsection 2 of this section apply may continue to make loans pursuant to the provisions of subsection 2 of this section for up to five years after the appropriate decennial census indicates that the population of the city in which such bank or trust company is located has exceeded the limits provided in subsection 2 of this section.

**362.295. REPORTS TO DIRECTOR — PUBLICATION — PENALTY.** — 1. Within ten days after service upon it of the notice provided for by section 361.130, RSMo, every bank and trust company shall make a written report to the director, which report shall be in the form and shall contain the matters prescribed by the director and shall specifically state the items of capital, deposits, specie and cash items, public securities and private securities, real estate and real estate securities, and such other items as may be necessary to inform the public as to the financial condition and solvency of the bank or trust company, or which the director may deem proper to include therein. **In lieu of requiring direct filing of reports of condition, the director may accept reports of condition or their equivalent as filed with federal regulatory agencies and**

**may require verification and the filing of supplemental information as the director deems necessary.**

2. Every report shall be verified by the oaths of the president or vice president and cashier or secretary or assistant cashier or assistant secretary, and the verification shall state that the report is true and correct in all respects to the best of the knowledge and belief of the persons verifying it, and the report shall be attested by three directors, and shall be a report of the actual condition of the bank or trust company at the close of business on the day designated and which day shall be prior to the call. **If the director of finance obtains the data pursuant to subsection 3 of section 361.130, RSMo, the director may rely on the verification provided to the federal regulatory agency.**

3. Every report, exclusive of the verification, shall, within thirty days after it shall have been filed with the director, be published by the bank or trust company in one newspaper of the place where its place of business is located, or if no newspaper is published there, in a newspaper of general circulation in the town and community in which the bank or trust company is located; the newspaper to be designated by the board of directors and a copy of the publication, with the affidavit of the publisher thereto, shall be attached to the report; provided, if the bank or trust company is located in a town or city having a population exceeding ten thousand inhabitants, then the publication must be in a daily newspaper, if published in that city; but if the bank or trust company is located in a town or city having a population of ten thousand inhabitants or less, then the publication may be in either a daily or weekly newspaper published in the town or city as aforesaid; and in all cases a copy of the statement shall be posted in the banking house accessible to all.

4. The bank and trust company shall also make such other special reports to the director as he may from time to time require, in such form and at such date as may be prescribed by him, and the report shall, if required by him, be verified in such manner as he may prescribe.

5. If the bank or trust company shall fail to make any report required by this section on or before the day designated for the making thereof, or shall fail to include therein any matter required by the director, the bank or trust company shall forfeit to the state the sum of one hundred dollars for every day that the report shall be delayed or withheld, and for every day that it shall fail to report any omitted matter, unless the time therefor shall have been extended by the director. Should any president, cashier or secretary of the bank or trust company or any director thereof fail to make the statement so required of him or them, or willfully and corruptly make a false statement, he or they, and each of them, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, upon information, punished by a fine for each offense not exceeding five hundred dollars and not less than one hundred dollars, or by imprisonment not less than one or more than twelve months in the city or county jail, or by both such fine and imprisonment.

6. A bank or trust company may provide each written report required to be published free of charge to the public; and when each bank or trust company notifies their customers that such information is available; and when one copy of such information is available to each person that requests it, the newspaper publication provisions of this section shall not be enforced against such bank or trust company.

**362.910. DEFINITIONS.** — As used in sections 362.910 to 362.940, [except for section 362.925,] unless the context clearly indicates otherwise, the following terms mean:

(1) "Bank", any bank, trust company or national banking association which accepts demand deposits and makes loans, and which has its principal banking house in Missouri and a branch of any bank, trust company or national banking association which accepts demand deposits and which has a physical presence in Missouri, other than a branch located outside of Missouri;

(2) "Bank holding company", any company which has control over any bank or over any company that is a bank holding company;

(3) "Company", any corporation, partnership, business trust, association, or similar organization, or any other trust unless by its terms it must terminate within twenty-five years or

not later than twenty-one years and ten months after the death of individuals living on the effective date of the trust, but shall not include any corporation the majority of the shares of which are owned by the United States or by any state;

(4) "Control", a company has control over a bank, **trust company**, or company if:

(a) The company directly or indirectly or acting through one or more other persons owns, controls, or has power to vote twenty-five percent or more of any class of voting securities of the bank or company;

(b) The company controls in any manner the election of a majority of the directors or trustees of the bank or company; or

(c) The company directly or indirectly exercises a controlling influence over the management or policies of the bank or company;

(d) Provided, however, no company shall be deemed to have control over a bank or a company by virtue of its ownership or control of shares acquired by it in connection with its underwriting of securities and which are held only for such period of time as will permit the sale thereof upon a reasonable basis, or which is formed for the sole purpose of participating in a proxy solicitation, or which acquires ownership or control of shares in securing or collecting a debt previously contracted in good faith, until two years after the date of acquisition, or which acquires ownership or control of shares in a fiduciary capacity. For the purpose of sections 362.910 to 362.940, bank shares shall not be deemed to have been acquired in a fiduciary capacity if the acquiring bank or company in its capacity as trustee of a trust has sole discretionary authority to exercise voting rights with reference thereto; except that this limitation is applicable in the case of a bank or company which acquired such shares prior to December 31, 1970, only if the bank or company had the right consistent with its obligations under the instrument, agreement, or other arrangement establishing the trust relationship to divest itself of such voting rights and failed to exercise that right to divest prior to December 31, 1971;

(5) "Director" or "director of finance", the director of the division of finance of the department of economic development;

(6) **"Trust holding company", any company which has control over any trust company or over any company that is a trust holding company.**

**362.923. BANK HOLDING COMPANIES, EXAMINATION OF, WHEN — CONSIDERED NEW BUSINESS ENTITY, WHEN. — 1.** The director of the division of finance may enter into cooperative and reciprocal agreements with the federal reserve banks for periodic examination of bank holding companies on a joint or alternating basis, but, except in extraordinary situations, no such agreements may be concluded which would result in a bank holding company being examined more frequently than once every twelve months. The director may accept reports of examination and other exchanges of information from such agencies in lieu of conducting his own examinations and compiling his own reports, and may provide reports of examination and other information to such agencies.

**2. A trust holding company or a company formed to be a trust holding company, as hereinafter described, is a new business entity under Missouri law and is not subject to federal reserve examination. The director of the division of finance shall contract with the parties that charter such entity to obtain safety and soundness authority as a condition for such entity's acquisition of a trust company. To simplify such process:**

(1) A trust holding company or a company formed to be a trust holding company which seeks to acquire control of any nondepository trust company shall file an application with the division of finance;

(2) The director shall determine if the proposed acquisition of a nondepository trust company by a trust holding company is consistent with the interests of promoting and maintaining sound trust companies;

(3) The director may issue an order approving or disapproving the proposed acquisition of a nondepository trust company by a trust holding company and may

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present, enforce, advocate, or defend the order in any judicial or administrative proceeding; and

(4) The director may examine and investigate any trust holding company as appropriate or necessary to carry out the director's duties. The director may enter into cooperative and reciprocal agreements with federal and state regulatory authorities appropriate to such functions and may share reports and information or pursue joint actions or concurrent jurisdiction with federal and state regulatory authorities.

**364.030. FINANCIAL INSTITUTIONS TO OBTAIN LICENSE, EXCEPTIONS — APPLICATION — FEE.** — 1. No person shall engage in the business of a financing institution in this state without a license therefor as provided in this chapter; except, however, that no bank, trust company, loan and investment company, licensed sales finance company, registrant under the provisions of sections 367.100 to 367.200, RSMo, or person who makes only occasional purchases of retail time contracts or accounts under retail charge agreements and which purchases are not being made in the course of repeated or successive purchase of retail installment contracts from the same seller, shall be required to obtain a license under this chapter but shall comply with all the laws of this state applicable to the conduct and operation of a financing institution.

2. The application for the license shall be in writing, under oath and in the form prescribed by the director. The application shall contain the name of the applicant; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the name and resident address of the owner or partners or, if a corporation or association, of the directors, trustees and principal officers, and other pertinent information as the director may require.

3. The license fee for each calendar year or part thereof shall be the sum of three hundred dollars for each place of business of the licensee in this state which shall be paid into the general revenue fund. **The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time.**

4. Each license shall specify the location of the office or branch and must be conspicuously displayed therein. In case the location is changed, the director shall either endorse the change of location of the license or mail the licensee a certificate to that effect, without charge.

5. Upon the filing of an application, and the payment of the fee, the director shall issue a license to the applicant to engage in the business of a financing institution under and in accordance with the provisions of this chapter for a period which shall expire the last day of December next following the date of its issuance. The license shall not be transferable or assignable. No licensee shall transact any business provided for by this chapter under any other name.

**364.105. REGISTRATION REQUIRED — FEE — FORMS.** — 1. No person shall engage in the business of a premium finance company in this state without first registering as a premium finance company with the director.

2. The annual registration fee shall be three hundred dollars payable to the director as of the first day of July of each year. **The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time.**

3. Registration shall be made on forms prepared by the director and shall contain the following information:

- (1) Name, business address and telephone number of the premium finance company;
- (2) Name and business address of corporate officers and directors or principals or partners;
- (3) A sworn statement by an appropriate officer, principal or partner of the premium finance company that:

- (a) The premium finance company is financially capable to engage in the business of insurance premium financing; and

- (b) If a corporation, that the corporation is authorized to transact business in this state;
- (4) If any material change occurs in the information contained in the registration form, a revised statement shall be submitted to the director accompanied by an additional fee of one hundred dollars.

**365.030. SALES FINANCE COMPANY, LICENSE REQUIRED — EXCEPTIONS — APPLICATION — FEE.** — 1. No person shall engage in the business of a sales finance company in this state without a license as provided in this chapter; except, that no bank, trust company, savings and loan association, loan and investment company or registrant under the provisions of sections 367.100 to 367.200, RSMo, authorized to do business in this state is required to obtain a license under this chapter but shall comply with all of the other provisions of this chapter.

2. The application for the license shall be in writing, under oath and in the form prescribed by the director. The application shall contain the name of the applicant; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the name and resident address of the owner or partners or, if a corporation or association, of the directors, trustees and principal officers, and such other pertinent information as the director may require.

3. The license fee for each calendar year or part thereof shall be the sum of three hundred dollars for each place of business of the licensee in this state. **The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time.**

4. Each license shall specify the location of the office or branch and must be conspicuously displayed there. In case the location is changed, the director shall either endorse the change of location on the license or mail the licensee a certificate to that effect, without charge.

5. Upon the filing of the application, and the payment of the fee, the director shall issue a license to the applicant to engage in the business of a sales finance company under and in accordance with the provisions of this chapter for a period which shall expire the last day of December next following the date of its issuance. The license shall not be transferable or assignable. No licensee shall transact any business provided for by this chapter under any other name.

**367.140. ANNUAL REGISTRATION — FEE, AMOUNT — CERTIFICATES, ISSUANCE, DISPLAY.** — 1. Every lender shall, at the time of filing application for certificate of registration as provided in section 367.120 hereof, pay the sum of three hundred dollars as an annual registration fee for the period ending the thirtieth day of June next following the date of payment and in full payment of all expenses for investigations, examinations and for the administration of sections 367.100 to 367.200, except as provided in section 367.160, and thereafter a like fee shall be paid on or before June thirtieth of each year; provided, that if a lender is supervised by the commissioner of finance under any other law, the charges for examination and supervision required to be paid under said law shall be in lieu of the annual fee for registration and examination required under this section. The fee shall be made payable to the director of revenue. If the initial registration fee for any certificate of registration is for a period of less than twelve months, the registration fee shall be prorated according to the number of months that said period shall run. **The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time.**

2. Upon receipt of such fee and application for registration, and provided the bond, if required by the director, has been filed, the director shall issue to the lender a certificate containing the lender's name and address and reciting that such lender is duly and properly registered to conduct the supervised business. The lender shall keep this certificate of registration posted in a conspicuous place at the place of business recited in the registration certificate. Where the lender engages in the supervised business at or from more than one office or place of

business, such lender shall obtain a separate certificate of registration for each such office or place of business.

3. Certificates of registration shall not be assignable or transferable except that the lender named in any such certificate may obtain a change of address of the place of business therein set forth. Each certificate of registration shall remain in full force and effect until surrendered, revoked, or suspended as herein provided.

**367.509. QUALIFICATIONS OF APPLICANTS, FEE, LICENSE ISSUED, WHEN.** — 1. A title loan license applicant must have and maintain capital of at least seventy-five thousand dollars at all times.

2. The license application shall be in writing, under oath and in the form prescribed by the director. The application shall contain the name of the applicant, date of formation if a business entity, the address of each title loan office operated or sought to be operated, the name and residential address of the owner, partners, directors, trustees and principal officers, and such other pertinent information as the director may require. A corporate surety bond in the principal sum of twenty thousand dollars per location shall accompany each license application. The bond shall be in a form satisfactory to the director and shall be issued by a bonding company or insurance company authorized to do business in this state in order to ensure the faithful performance of the obligations of the applicant and the applicant's agents and subagents in connection with title loan activities. An applicant or licensee may, in lieu of filing any bond required pursuant to this section, provide the director with an irrevocable letter of credit as defined in section 400.5-103, RSMo, in the amount of twenty thousand dollars per location, issued by any bank, trust company, savings and loan or credit union operating in Missouri in a form acceptable to the director.

3. Every person applying for a title loan license shall pay one thousand dollars as an investigation fee. Applicants for additional title lending licenses shall pay one thousand dollars per additional location as an investigation fee. The lender shall, beginning with the first license renewal, pay annually to the director a fee of one thousand dollars for each licensed location.

4. Each license shall specify the location of the title loan office and shall be conspicuously displayed therein. Before any title lending office may relocate, the director shall approve such relocation by mailing the licensee a new license to that effect, without charge.

5. Upon the filing of the application, and the payment of the fee, by a person eligible to apply for a title loan license, the director shall issue a license to engage in the title loan business in accordance with sections 367.500 to 367.533. The licensing year shall commence on January first and end the following December thirty-first. **The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time.** Each license shall be uniquely numbered and shall not be transferable or assignable. [Renewal licenses shall be effective for a period of one year.]

**369.159. FEE OR SERVICE CHARGE AUTHORIZED.** — [An association may make a service charge on accounts subject to such conditions or requirements as may be fixed by regulations of the director of the division of finance. No limitation shall be placed upon service charges on NOW accounts.] **An association may impose fees or service charges on accounts; however, such fees or service charges are subject to such conditions or requirements that may be fixed by regulations pursuant to section 369.301 by the director of the division of finance and the state savings and loan commission. Notwithstanding any law to the contrary, no such condition or requirement shall be more restrictive than the fees or service charges on deposit accounts or similar accounts permitted any federally chartered depository institution.**

**370.171. FEE OR SERVICE CHARGE AUTHORIZED.** — **A credit union may impose fees or service charges on deposit accounts or similar accounts; however, such fees or service**

charges are subject to such conditions or requirements that may be fixed by regulations pursuant to this chapter by the director of credit union supervision and the credit union commission. Notwithstanding any law to the contrary, no such condition or requirement shall be more restrictive than the fees or service charges on deposit accounts or similar accounts permitted any federally chartered depository institution.

**400.9-525. FEES.** — (a) Except as otherwise provided in subsection (e), the fee for filing and indexing a record under this part, other than an initial financing statement of the kind described in section 400.9-502(c), is:

(1) If the filing office is the secretary of state's office, then twelve dollars for the first page and one dollar for each subsequent page if the record is communicated in writing, or **five dollars** by [another] **an electronic** medium authorized by filing-office rule[, of which fee seven dollars is received and collected by the secretary of state on behalf of the counties of this state for deposit in the uniform commercial code transition fee trust fund]; or

(2) If the filing office is other than the secretary of state's office, then the fee otherwise allowed by law.

(b) Except as otherwise provided in subsection (e), the fee for filing and indexing an initial financing statement of the kind described in section 400.9-502(c) is:

(1) If the filing office is the secretary of state's office, then twelve dollars for the first page and one dollar for each subsequent page if the record is communicated in writing, or **five dollars** by [another] **an electronic** medium authorized by filing-office rule[, of which fee seven dollars is received and collected by the secretary of state on behalf of the counties of this state for deposit in the uniform commercial code transition fee trust fund]; or

(2) If the filing office is other than the secretary of state's office, then the fee otherwise allowed by law.

(c) The number of names required to be indexed does not affect the amount of the fee in subsections (a) and (b).

(d) The fee for responding to a request for information from the filing office, including for communicating whether there is on file any financing statement naming a particular debtor, is:

(1) If the filing office is the secretary of state's office, then twenty-two dollars for the first page and one dollar for each subsequent page if the record is communicated in writing or by another medium authorized by filing-office rule[, of which fee seven dollars is received and collected by the secretary of state on behalf of the counties of this state for deposit in the uniform commercial code transition fee trust fund]; or

(2) If the filing office is other than the secretary of state's office, then the fee otherwise allowed by law.

(e) This section does not require a fee with respect to a record of a mortgage which is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under section 400.9-502(c). However, the recording and satisfaction fees that otherwise would be applicable to the record of the mortgage apply.

(f) [The department of revenue shall administer a special trust fund, which is hereby established, to be known as the "Uniform Commercial Code Transition Fee Trust Fund", and which shall be funded by seven dollars of each of the fees received and collected pursuant to subdivisions (a), (b) and (d) of this section on behalf of the counties of this state for deposit in the uniform commercial code transition fee trust fund.

(1) The secretary of state shall keep and provide to the department of revenue and the county employees' retirement fund an accurate record of the moneys to be deposited in the uniform commercial code transition fee trust fund allocated to each county and city not within a county on the basis of where such record, financing statement or other document would have been filed prior to July 1, 2001, and the department of revenue shall distribute the moneys pursuant to subdivision (2) of this subsection on that basis.

(2) The moneys in the uniform commercial code transition fee trust fund shall be distributed to the county employees' retirement fund established pursuant to section 50.1010, RSMo, or the general revenue fund of any charter county or city not within a county whose employees are not members of the county employees' retirement fund.

(3) The moneys in the uniform commercial code transition fee trust fund shall be deemed to be nonstate funds, as defined in section 15 of article IV of the Missouri Constitution, to be administered by the department of revenue, provided, however that interest, if any, earned by the money in the trust fund shall be deposited into the general revenue fund in the state treasury.] **The provisions of this section shall become effective on September 1, 2003.**

**407.433. PROTECTION OF CREDIT CARD AND DEBIT CARD ACCOUNT NUMBERS, PROHIBITED ACTIONS, PENALTY, EXCEPTIONS — EFFECTIVE DATE, APPLICABILITY.** — 1. No person, other than the cardholder, shall:

(1) Disclose more than the last five digits of a credit card or debit card account number on any sales receipt **provided to the cardholder** for merchandise sold in this state;

(2) Use a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a credit or debit card without the permission of the cardholder and with the intent to defraud any person, the issuer, or a merchant; or

(3) Use a reencoder to place information encoded on the magnetic strip or stripe of a credit or debit card onto the magnetic strip or stripe of a different card without the permission of the cardholder from which the information is being reencoded and with the intent to defraud any person, the issuer, or a merchant.

2. Any person who knowingly violates this section is guilty of an infraction and any second or subsequent violation of this section is a class A misdemeanor.

3. It shall not be a violation of subdivision (1) of subsection 1 of this section if:

(1) The sole means of recording the credit card number or debit card number is by handwriting or, prior to January 1, 2005, by an imprint of the credit card or debit card; and

(2) For handwritten or imprinted copies of credit card or debit card receipts, only the merchant's copy of the receipt lists more than the last five digits of the account number.

4. This section shall become effective on January 1, 2003, and applies to any cash register or other machine or device that prints or imprints receipts of credit card or debit card transactions and which is placed into service on or after January 1, 2003. Any cash register or other machine or device that prints or imprints receipts on credit card or debit card transactions and which is placed in service prior to January 1, 2003, shall be subject to the provisions of this section on or after January 1, 2005.

**408.140. ADDITIONAL CHARGES OR FEES PROHIBITED, EXCEPTIONS — NO FINANCE CHARGES IF PURCHASES ARE PAID FOR WITHIN CERTAIN TIME LIMIT, EXCEPTION.** — 1. No further or other charge or amount whatsoever shall be directly or indirectly charged, contracted for or received for interest, service charges or other fees as an incident to any such extension of credit except as provided and regulated by sections 367.100 to 367.200, RSMo, and except:

(1) On loans for thirty days or longer which are other than "open-end credit" as such term is defined in the federal Consumer Credit Protection Act and regulations thereunder, a fee, not to exceed five percent of the principal amount loaned not to exceed seventy-five dollars may be charged by the lender; however, no such fee shall be permitted on any extension, refinance, restructure or renewal of any such loan, unless any investigation is made on the application to extend, refinance, restructure or renew the loan;

(2) The lawful fees actually and necessarily paid out by the lender to any public officer for filing, recording, or releasing in any public office any instrument securing the loan, which fees may be collected when the loan is made or at any time thereafter; however, premiums for

insurance in lieu of perfecting a security interest required by the lender may be charged if the premium does not exceed the fees which would otherwise be payable;

(3) If the contract so provides, a charge for late payment on each installment or minimum payment in default for a period of not less than fifteen days in an amount not to exceed five percent of each installment due or the minimum payment due or [twenty-five] **fifteen** dollars, whichever is [less] **greater, not to exceed fifty dollars**; except that, a minimum charge of ten dollars may be made. If the contract so provides, a charge for late payment on each twenty-five dollars or less installment in default for a period of not less than fifteen days shall not exceed five dollars;

(4) If the contract so provides, a charge for late payment for a single payment note in default for a period of not less than fifteen days in an amount not to exceed five percent of the payment due; provided that, the late charge for a single payment note shall not exceed fifty dollars;

(5) Charges or premiums for insurance written in connection with any loan against loss of or damage to property or against liability arising out of ownership or use of property as provided in section 367.170, RSMo; however, notwithstanding any other provision of law, with the consent of the borrower, such insurance may cover property all or part of which is pledged as security for the loan, and charges or premiums for insurance providing life, health, accident, or involuntary unemployment coverage;

(6) Charges assessed by any institution for processing a refused instrument plus a handling fee of not more than [fifteen] **twenty-five** dollars;

(7) If the contract or promissory note, signed by the borrower, provides for attorney fees, and if it is necessary to bring suit, such attorney fees may not exceed fifteen percent of the amount due and payable under such contract or promissory note, together with any court costs assessed. The attorney fees shall only be applicable where the contract or promissory note is referred for collection to an attorney, and is not handled by a salaried employee of the holder of the contract;

(8) Provided the debtor agrees in writing, the lender may collect a fee in advance for allowing the debtor to defer up to three monthly loan payments, so long as the fee is no more than the lesser of fifty dollars or ten percent of the loan payments deferred, no extensions are made until the first loan payment is collected and no more than one deferral in a twelve-month period is agreed to and collected on any one loan; this subdivision applies to nonprecomputed loans only and does not affect any other subdivision;

(9) If the open-end credit contract is tied to a transaction account in a depository institution, such account is in the institution's assets and such contract provides for loans of thirty-one days or longer which are "open-end credit", as such term is defined in the federal Consumer Credit Protection Act and regulations thereunder, the creditor may charge a credit advance fee of the lesser of twenty-five dollars or five percent of the credit advanced from time to time from the line of credit; such credit advance fee may be added to the open-end credit outstanding along with any interest, and shall not be considered the unlawful compounding of interest as that term is defined in section 408.120.

2. Other provisions of law to the contrary notwithstanding, an open-end credit contract under which a credit card is issued by a company, financial institution, savings and loan or other credit issuing company whose credit card operations are located in Missouri may charge an annual fee, provided that no finance charge shall be assessed on new purchases other than cash advances if such purchases are paid for within twenty-five days of the date of the periodic statement therefor.

3. Notwithstanding any other provision of law to the contrary, in addition to charges allowed pursuant to section 408.100, an open-end credit contract provided by a company, financial institution, savings and loan or other credit issuing company which is regulated pursuant to this chapter may charge an annual fee not to exceed fifty dollars.

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**408.233. ADDITIONAL CHARGES AUTHORIZED.** — 1. No charge other than that permitted by section 408.232 shall be directly or indirectly charged, contracted for or received in connection with any second mortgage loan, except as provided in this section:

(1) Fees and charges prescribed by law actually and necessarily paid to public officials for perfecting, releasing, or satisfying a security interest related to the second mortgage loan;

(2) Taxes;

(3) Bona fide closing costs paid to third parties, which shall include:

(a) Fees or premiums for title examination, title insurance, or similar purposes including survey;

(b) Fees for preparation of a deed, settlement statement, or other documents;

(c) Fees for notarizing deeds and other documents;

(d) Appraisal fees; and

(e) Fees for credit reports;

(4) Charges for insurance as described in subsection 2 of this section;

(5) A nonrefundable origination fee not to exceed five percent of the principal which may be used by the lender to reduce the rate on a second mortgage loan;

(6) Any amounts paid to the lender by any person, corporation or entity, other than the borrower, to reduce the rate on a second mortgage loan or to assist the borrower in qualifying for the loan;

(7) For revolving loans, an annual fee not to exceed fifty dollars may be assessed.

2. An additional charge may be made for insurance written in connection with the loan, including insurance protecting the lender against the borrower's default or other credit loss, and:

(1) For insurance against loss of or damage to property where no such coverage already exists; and

(2) For insurance providing life, accident, health or involuntary unemployment coverage.

3. The cost of any insurance shall not exceed the rates filed with the division of insurance, and the insurance shall be obtained from an insurance company duly authorized to conduct business in this state. Any person or entity making second mortgage loans, or any of its employees, may be licensed to sell insurance permitted in this section.

4. On any second mortgage loan, a default charge may be contracted for and received for any installment or minimum payment not paid in full within fifteen days of its scheduled due date equal to five percent of the amount or [twenty-five] **fifteen** dollars, whichever is [less] **greater, not to exceed fifty dollars**. A default charge may be collected only once on an installment or a payment due however long it remains in default. A default charge may be collected at the time it accrues or at any time thereafter and for purposes of subsection 3 of section 408.234 a default charge shall be treated as a payment. No default charge may be collected on an installment or a payment due which is paid in full within fifteen days of its scheduled due date even though an earlier installment or payment or a default charge on earlier installment or payments may not have been paid in full.

5. The lender shall, in addition to the charge authorized by subsection 4 of this section, be allowed to assess the borrower or other maker of refused instrument the actual charge made by any institution for processing the negotiable instrument, plus a handling fee of not more than [fifteen] **twenty-five** dollars; and, if the contract or promissory note, signed by the borrower, provides for attorney fees, and if it is necessary to bring suit, such attorney fees may not exceed fifteen percent of the amount due and payable under such contract or promissory note, together with any court costs assessed. The attorney fees shall only be applicable where the contract or promissory note is referred for collection to an attorney, and are not handled by a salaried employee of the holder of the contract or note.

**408.455. VARIABLE RATE AGREEMENTS SUBJECT TO CERTAIN PROVISIONS.** — All contracts or agreements **originally** subject to [section] **sections 408.450 to 408.470, existing on August 28, 2003,** shall [also be] **remain** subject to the provisions of sections 408.140, 408.150,

408.160 and 408.550 to 408.562, even if the contract or agreement is converted into another form of credit.

**408.500. UNSECURED LOANS UNDER FIVE HUNDRED DOLLARS, LICENSURE OF LENDERS, INTEREST RATES AND FEES ALLOWED — PENALTIES FOR VIOLATIONS — COST OF COLLECTION EXPENSES — NOTICE REQUIRED, FORM.** — 1. Lenders, other than banks, trust companies, credit unions, savings banks and savings and loan companies, in the business of making unsecured loans of five hundred dollars or less shall obtain a license from the director of the division of finance. An annual license fee of three hundred dollars per location shall be required. The license year shall commence on January first each year and the license fee may be prorated for expired months. **The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time.** The provisions of this section shall not apply to pawnbroker loans, consumer credit loans as authorized under chapter 367, RSMo, nor to a check accepted and deposited or cashed by the payee business on the same or the following business day. The disclosures required by the federal Truth in Lending Act and regulation Z shall be provided on any loan, renewal or extension made pursuant to this section and the loan, renewal or extension documents shall be signed by the borrower.

2. Entities making loans pursuant to this section shall contract for and receive simple interest and fees in accordance with sections 408.100 and 408.140. Any contract evidencing any fee or charge of any kind whatsoever, except for bona fide clerical errors, in violation of this section shall be void. Any person, firm or corporation who receives or imposes a fee or charge in violation of this section shall be guilty of a class A misdemeanor.

3. Notwithstanding any other law to the contrary, cost of collection expenses, which include court costs and reasonable attorneys fees, awarded by the court in suit to recover on a bad check or breach of contract shall not be considered as a fee or charge for purposes of this section.

4. Lenders licensed pursuant to this section shall conspicuously post in the lobby of the office, in at least fourteen-point bold type, the maximum annual percentage rates such licensee is currently charging and the statement:

NOTICE:

This lender offers short-term loans. Please read and understand the terms of the loan agreement before signing.

5. The lender shall provide the borrower with a notice in substantially the following form set forth in at least ten-point bold type, and receipt thereof shall be acknowledged by signature of the borrower:

(1) This lender offers short-term loans. Please read and understand the terms of the loan agreement before signing.

(2) You may cancel this loan without costs by returning the full principal balance to the lender by the close of the lender's next full business day.

6. The lender shall renew the loan upon the borrower's written request and the payment of any interest and fees due at the time of such renewal; however, upon the first renewal of the loan agreement, and each subsequent renewal thereafter, the borrower shall reduce the principal amount of the loan by not less than five percent of the original amount of the loan until such loan is paid in full. However, no loan may be renewed more than six times.

7. When making or negotiating loans, a licensee shall consider the financial ability of the borrower to reasonably repay the loan in the time and manner specified in the loan contract. All records shall be retained at least two years.

8. A licensee who ceases business pursuant to this section must notify the director to request an examination of all records within ten business days prior to cessation. All records must be retained at least two years.

9. Any lender licensed pursuant to this section who fails, refuses or neglects to comply with the provisions of this section, or any laws relating to consumer loans or commits any criminal act may have its license suspended or revoked by the director of finance after a hearing before

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the director on an order of the director to show cause why such order of suspension or revocation should not be entered specifying the grounds therefor which shall be served on the licensee at least ten days prior to the hearing.

10. Whenever it shall appear to the director that any lender licensed pursuant to this section is failing, refusing or neglecting to make a good faith effort to comply with the provisions of this section, or any laws relating to consumer loans, the director may issue an order to cease and desist which order may be enforceable by a civil penalty of not more than one thousand dollars per day for each day that the neglect, failure or refusal shall continue. The penalty shall be assessed and collected by the director. In determining the amount of the penalty, the director shall take into account the appropriateness of the penalty with respect to the gravity of the violation, the history of previous violations, and such other matters as justice may require.

**447.510. UNCLAIMED FUNDS HELD AND OWING BY INSURANCE COMPANY PRESUMED ABANDONED, WHEN — UNCLAIMED FUNDS DEFINED — DISTRIBUTION OF ABANDONED PROPERTY, WHEN. —** 1. Unclaimed funds, as defined in this section, held and owing by an insurance corporation shall be presumed abandoned if the last known address, according to the records of the corporation, of the person entitled to the funds is within this state. If a person other than the insured or annuitant is entitled to the funds and no address of such person is known to the corporation or if it is not definite and certain from the records of the corporation what person is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last known address of the insured or annuitant according to the records of the corporation.

2. "Unclaimed funds", as used in this section, means all moneys held and owing by any insurance corporation unclaimed and unpaid for more than seven years or five years as provided in section 447.536 after the moneys became due and payable as established from the records of the corporation under any property insurance or casualty insurance policy or any life or endowment insurance policy or annuity contract which has matured or terminated, including all unpaid drafts, except drafts issued for the purpose of an offer of settlement. It shall be the responsibility of the issuing company to establish that an unpaid draft was tendered as a settlement offer. A life insurance policy not matured by actual proof of the death of the insured is deemed to be matured and the proceeds thereof are deemed to be due and payable if such policy was in force when the insured attained the limiting age under the mortality table on which the reserve is based, unless the person appearing entitled thereto has within the preceding seven years or five years as provided in section 447.536:

(1) Assigned, readjusted, or paid premiums on the policy, or subjected the policy to loan; or

(2) Corresponded in writing with the life insurance corporation concerning the policy. Moneys otherwise payable according to the records of the corporation are deemed due and payable although the policy or contract has not been surrendered as required.

**3. (1) Property distributable in the course of a demutualization, rehabilitation, or related reorganization of an insurance company is deemed abandoned two years after the date the property is first distributable if, at the time of the first distribution the last known address of the owner on the books and records of the holder is known to be incorrect, or the distribution or statements are returned by the post office as undeliverable; and the owner:**

(a) Has not communicated in writing with the holder or its agent regarding the property; or

(b) Otherwise communicated with the holder regarding the property as evidenced by a memorandum or other record on file with the holder or its agent.

(2) Property distributable in the course of demutualization, rehabilitation, or related reorganization of a mutual insurance company that is not subject to subsection 1 of this section shall be reportable as otherwise provided in section 447.536.

(3) The initial report for December 31, 2002, required pursuant to this subsection shall be filed no later than November 1, 2003. Any additional reports of property subject to subsection 1 of this section shall be reported and delivered no later than May first of each year for all property to be reported pursuant to this subsection for December of the preceding year.

**[408.450. VARIABLE RATE AGREEMENT BY PARTIES, REQUIREMENT, LIMITATION — ACCOUNT FLUCTUATION, WHEN — NOT APPLICABLE TO CREDIT CARDS — INTEREST, HOW COMPUTED — PREPAYMENT PENALTIES, PROHIBITED. —** 1. Notwithstanding the provisions of any other law, the parties to any written contract may agree to and stipulate for any rate per annum of interest time charge or time price differential not in excess of twenty-four percent per annum that does not exceed for any calendar period, as set forth in subsections 2 and 3 of this section, the average auction rate quoted on a nominal discount basis by the Federal Reserve Board for twenty-six-week treasury bills for the preceding auction, multiplied by two; however, if the preceding auction shall fall on the last day of the preceding month, then the rate shall be determined by the next preceding auction.

2. All open-end accounts shall fluctuate no more often than monthly and no less often than quarterly.

3. All closed-end accounts shall fluctuate no more often than quarterly and no less than annually; and only one formula and one index shall be used to determine the rate or time price differential for any one closed-end account.

4. This section shall not apply to open-end credit under which a credit card has been issued or any extension of credit made pursuant to sections 408.250 to 408.370.

5. Interest or time price differential on contracts subject to sections 408.450 to 408.467 shall be computed on a simple interest basis.

6. There shall be no prepayment penalty on any contract subject to sections 408.450 to 408.467.

7. No creditor shall refuse credit to a person solely because of his refusal to accept the provisions of sections 408.450 to 408.467.

8. The amount of regular, periodic payments on closed-end accounts shall not be changed, but the total number of payments due may be increased or decreased as a result of changes in the rate.]

**[408.460. OPEN-END CONTRACT, WITH VARIABLE RATE — DISCLOSURES REQUIRED TO BE GIVEN OBLIGOR — RIGHT OF TERMINATION, REJECTION OF NEW RATE BY OBLIGOR, EFFECT. —** 1. If an open-end contract provides for or is amended to provide for, pursuant to section 408.450, a variable rate or amount according to any index, formula or provision of law disclosed to the obligor, the applicable rate ceiling is the ceiling as disclosed to the obligor. The monthly or quarterly ceiling shall be adjusted in accordance with and limited by section 408.450.

2. In any open-end account, the creditor may provide in the agreement covering the open-end account, or may amend the agreement to provide that the terms, including the formula used to determine the rate on the open-end account, will be subject to revision as to current and future balances, from time to time, by notice from the creditor to the obligor. Any creditor revising an open-end account pursuant to sections 408.450 to 408.467 shall disclose in the notice:

(1) The new formula to be used in computing the rate;  
(2) The date on which the new rate formula will become effective;  
(3) Whether the rate shall change monthly or quarterly and whether or not it will affect current as well as future balances;

(4) The obligor's rights under this section and the procedures for the obligor to exercise those rights;

(5) The address to which the obligor may send notification of the obligor's election not to continue the open-end account. If the amendment increases the rate, the notice shall contain the

following printed in not less than 10-point bold-face type or equivalent: "YOU MAY TERMINATE THIS ACCOUNT IF YOU DO NOT WISH TO PAY THE NEW RATE."

3. With a notice required by subsection 2 of this section, the creditor shall include a form which may be returned at the expense of the creditor and on which the obligor may indicate his decision to terminate the account by checking or marking an appropriate box, or similar arrangement. The form may be included on a portion of the account statement to be returned to the creditor or on a separate sheet. Any obligor who is mailed a notice required by subsection 2 of this section, addressed to the obligor's last known address as shown by the creditor's records, is considered to have agreed to the revision if the obligor, or a person authorized by the obligor, after the expiration of five days after the notice is mailed, accepts or uses any extensions of credit or if the obligor elects to retain the privilege of using the open-end account. Such an election is considered to have occurred unless the obligor notifies the creditor in writing before the twenty-first day after the date on which the notice is sent that the obligor does not wish to continue the open-end account. The parties may also amend the contract by any other means permitted by any applicable law. Any obligor who rejects a rate change in accordance with this section has the right to pay off the then existing balance on the open-end account at the rate, and over the time period, in effect prior to the change, and at the same minimum payment terms previously agreed to, unless the obligor agrees to the new rates in accordance with this section. Rejection of the new rates may constitute termination of the account at the lender's option; however, the lender may not, in absence of an existing delinquency, accelerate the balance due.]

**[408.465. CEILING COMPUTATION — INFORMATION TO COMPUTE UNAVAILABLE, DUTY OF LENDER, EFFECT.]** — 1. If the furnishing of any of the information required to compute the ceiling is discontinued so that it is no longer available to the lender from the Federal Reserve Board on a timely basis, the lender shall obtain that information from reliable sources satisfactory to the commissioner of finance.

2. If the information required to compute a ceiling is not available, then that ceiling remains at the level at which it was when the information became available until the information again becomes available.]

**[408.467. RENEWAL OR EXTENSION OF CONTRACT, MAXIMUM RATE.]** — The maximum rate on any contract to renew or extend the terms of payment of any indebtedness made pursuant to sections 408.450 to 408.465 is the applicable ceiling allowed by sections 408.450 to 408.465 for a contract entered at the time the renewal or extension is made or agreed to.]

**[408.470. CERTAIN LOANS AND TIME PRICE SALES LAW NOT APPLICABLE.]** — Sections 408.450 to 408.467 shall not apply to any loans or time price sales on which the rate of interest or time price differential charged is lawful without regard to the rates permitted in section 408.450.]

**[408.653. FEE LIMITATIONS, OVERDRAFTS.]** — 1. A depository institution including any state or federally chartered bank, credit union, savings and loan association or any similar institution may charge no more than fifteen dollars as an overdraft charge or as a charge for a check, draft or similar sight order returned for insufficient or uncollected funds.

2. Any person to whom a check, draft, order or like instrument is tendered may, if such instrument is dishonored or returned unpaid for any reason, charge and collect from the maker or drawer, or the person for whose benefit such instrument was given, the amount of twenty dollars plus an amount equal to the actual charge by the depository institution for the return of each unpaid or dishonored instrument. No such charge will be considered interest, finance charge, time price differential or anything of a similar nature for purposes of any statute in this state.]

**[408.654. OVERDRAFT CHARGE, AMOUNT.]** — Notwithstanding any other provisions of law to the contrary, a depository institution, including any state or federally chartered bank, credit union, savings and loan association or similar institution, may charge up to twenty dollars as an overdraft charge when the check, draft or similar sight order is presented for the first time to the depository institution and the depository institution pays such check, draft or similar sight order upon presentation or up to fifteen dollars as a charge for a check, draft or similar sight order returned because the customer has insufficient or uncollected funds in the customer's depository institution account.]

Approved June 26, 2003

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SB 351 [SCS SB 351]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Changes the procedure in which parental or guardian consent is noted for the organ donation process of minors.**

AN ACT to repeal section 194.220, RSMo, and to enact in lieu thereof one new section relating to health care.

SECTION

A. Enacting clause.

194.220. Persons who may execute an anatomical gift.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 194.220, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 194.220, to read as follows:

**194.220. PERSONS WHO MAY EXECUTE AN ANATOMICAL GIFT.** — 1. Any individual of sound mind who is at least eighteen years of age may give all or any part of his or her body for any purpose specified in section 194.230, the gift to take effect upon death. Any individual who is a minor and at least sixteen years of age may effectuate a gift for any purpose specified in section 194.230, provided parental or guardian consent is deemed given. Parental or guardian consent shall be noted on the minor's donor card, [application for the] donor's instruction permit or driver's license **as the attorney-in-fact pursuant to subsection 2 of this section**, or other document of gift. An express gift that is not revoked by the donor before death is irrevocable, and the donee shall be authorized to accept the gift without obtaining the consent of any other person. The provisions of this subsection, relating to allowing a minor who is at least sixteen years of age to effectuate a gift for any purpose specified in section 194.230, through the driver's license or instruction permit application process, shall be effective July 1, 2003.

2. Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual knowledge of a gift by the decedent pursuant to subsection 1 of this section or actual notice of contrary indications by the decedent or of opposition by a member of the same or a prior class, may give all or any part of the decedent's body for any purpose specified in section 194.230:

(1) An attorney-in-fact under a durable power of attorney that expressly refers to making a gift of all or part of the principal's body pursuant to the uniform anatomical gift act;

(2) The spouse;

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- (3) An adult son or daughter;
- (4) Either parent;
- (5) An adult brother or sister;
- (6) A guardian of the person of the decedent at the time of his or her death;
- (7) Any other person authorized or under obligation to dispose of the body.

3. If the donee has actual notice of contrary indications by the decedent or that a gift by a member of a class is opposed by a member of the same or a prior class, the donee shall not accept the gift. The persons authorized by subsection 2 of this section may make the gift after or immediately before death.

4. A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

5. The rights of the donee created by the gift are paramount to the rights of others except as provided by subsection 4 of section 194.270.

Approved July 1, 2003

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### SB 355 [HCS SB 355]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Allows persons registering their vehicle to make a \$1 donation to the organ donor program.**

AN ACT to repeal sections 194.220 and 301.020, RSMo, and to enact in lieu thereof two new sections relating to the organ donor program, with penalty provisions.

#### SECTION

- A. Enacting clause.
- 194.220. Persons who may execute an anatomical gift.
- 301.020. Application for registration of motor vehicles, contents — certain vehicles, special provisions — penalty for failure to comply — optional blindness assistance donation — donation to organ donor program permitted.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 194.220 and 301.020, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 194.220 and 301.020, to read as follows:

**194.220. PERSONS WHO MAY EXECUTE AN ANATOMICAL GIFT.** — 1. Any individual of sound mind who is at least eighteen years of age may give all or any part of his or her body for any purpose specified in section 194.230, the gift to take effect upon death. Any individual who is a minor and at least sixteen years of age may effectuate a gift for any purpose specified in section 194.230, provided parental or guardian consent is deemed given. Parental or guardian consent shall be noted on the minor's donor card, [application for the] donor's instruction permit or driver's license, **as the attorney-in-fact pursuant to subsection 2 of this section**, or other document of gift. An express gift that is not revoked by the donor before death is irrevocable, and the donee shall be authorized to accept the gift without obtaining the consent of any other person. The provisions of this subsection, relating to allowing a minor who is at least sixteen

years of age to effectuate a gift for any purpose specified in section 194.230, through the driver's license or instruction permit application process, shall be effective July 1, 2003.

2. Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual knowledge of a gift by the decedent pursuant to subsection 1 of this section or actual notice of contrary indications by the decedent or of opposition by a member of the same or a prior class, may give all or any part of the decedent's body for any purpose specified in section 194.230:

(1) An attorney-in-fact under a durable power of attorney that expressly refers to making a gift of all or part of the principal's body pursuant to the uniform anatomical gift act;

(2) The spouse;

(3) An adult son or daughter;

(4) Either parent;

(5) An adult brother or sister;

(6) A guardian of the person of the decedent at the time of his or her death;

(7) Any other person authorized or under obligation to dispose of the body.

3. If the donee has actual notice of contrary indications by the decedent or that a gift by a member of a class is opposed by a member of the same or a prior class, the donee shall not accept the gift. The persons authorized by subsection 2 of this section may make the gift after or immediately before death.

4. A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

5. The rights of the donee created by the gift are paramount to the rights of others except as provided by subsection 4 of section 194.270.

**301.020. APPLICATION FOR REGISTRATION OF MOTOR VEHICLES, CONTENTS — CERTAIN VEHICLES, SPECIAL PROVISIONS — PENALTY FOR FAILURE TO COMPLY — OPTIONAL BLINDNESS ASSISTANCE DONATION — DONATION TO ORGAN DONOR PROGRAM PERMITTED.** — 1. Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall annually file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose containing:

(1) A brief description of the motor vehicle or trailer to be registered, including the name of the manufacturer, the vehicle identification number, the amount of motive power of the motor vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a motor vehicle primarily for business use as defined in section 301.010;

(2) The name, the applicant's identification number and address of the owner of such motor vehicle or trailer;

(3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a commercial motor vehicle or trailer.

2. If the vehicle is a motor vehicle primarily for business use as defined in section 301.010 and if such vehicle is five years of age or less, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This section shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1989; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business use, a recreational motor vehicle, motorcycle, motortricycle, bus or any commercial motor vehicle licensed for over twelve thousand pounds and if such motor vehicle is five years of age or less, the director of revenue shall retain the odometer information provided in the vehicle inspection

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report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This subsection shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1990; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010, the owner or lienholder shall surrender the certificate of ownership. The owner shall make an application for a new certificate of ownership, pay the required title fee, and obtain the vehicle examination certificate required pursuant to section 301.190. Notarized bills of sale along with a copy of the front and back of the certificate of ownership for all major component parts installed on the vehicle and invoices for all essential parts which are not defined as major component parts shall accompany the application for a new certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance of a special number by the director of revenue or a replacement vehicle identification number, the applicant shall submit the required application and application fee. All applications required under this subsection shall be submitted with any applicable taxes which may be due on the purchase of the vehicle or parts. The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and all subsequent issues of the certificate of ownership of such vehicle.

5. Every insurance company which pays a claim for repair of a motor vehicle which as the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 shall in writing notify the claimant, if he is the owner of the vehicle, and the lienholder if a lien is in effect, that he is required to surrender the certificate of ownership, and the documents and fees required pursuant to subsection 3 of this section, to the director of revenue. The insurance company shall within thirty days of the payment of such claims report to the director of revenue the name and address of such claimant, the year, make, model, vehicle identification number, and license plate number of the vehicle, and the date of loss and payment.

6. Anyone who fails to comply with the requirements of this section shall be guilty of a class B misdemeanor.

7. An applicant for registration may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 192.935, RSMo. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 192.935, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one-dollar donation prescribed in this subsection.

**8. An applicant for registration may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund as established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor fund shall be used solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be**

refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one-dollar donation prescribed in this subsection.

Approved July 1, 2003

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SB 356 [SB 356]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Makes a technical change in the organ donation license law.**

AN ACT to repeal section 302.171, RSMo, and to enact in lieu thereof one new section relating to organ donations.

SECTION

A. Enacting clause.

- 302.171. Application for license — form — content — educational materials to be provided to applicants under twenty-one — voluntary contribution to organ donation program — information to be included in registry — voluntary contribution to blindness assistance.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 302.171, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.171, to read as follows:

**302.171. APPLICATION FOR LICENSE — FORM — CONTENT — EDUCATIONAL MATERIALS TO BE PROVIDED TO APPLICANTS UNDER TWENTY-ONE — VOLUNTARY CONTRIBUTION TO ORGAN DONATION PROGRAM — INFORMATION TO BE INCLUDED IN REGISTRY — VOLUNTARY CONTRIBUTION TO BLINDNESS ASSISTANCE.** — 1. Application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one-dollar donation to promote an organ donation program as prescribed in subsection 2 of this section. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to driving without a license, careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than eighteen

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years of age, the applicant must comply with all requirements for the issuance of an intermediate driver's license pursuant to section 302.178.

2. An applicant for a license may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one-dollar donation prescribed in this subsection and whether the applicant is interested in [making an organ donation] **inclusion in the organ donor registry** and shall also specifically inform the licensee of the ability to [make an] **consent to organ donation** by completing the form on the reverse of the license that the applicant will receive in the manner prescribed by subsection 6 of section 194.240, RSMo. The director shall notify the department of health and senior services of information obtained from applicants who indicate to the director that they are interested in [making organ donations] **registry participation**, and the department of health and senior services shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304, RSMo.

3. An applicant for a license may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 192.935, RSMo. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 192.935, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one-dollar donation prescribed in this subsection.

Approved July 9, 2003

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## SB 357 [SB 357]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### **Modifies venue for administrative actions involving real property.**

AN ACT to repeal section 536.110, RSMo, and to enact in lieu thereof one new section relating to venue in administrative actions involving real property.

#### SECTION

A. Enacting clause.

536.110. Petition, when filed — process — venue.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 536.110, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 536.110, to read as follows:

**536.110. PETITION, WHEN FILED — PROCESS — VENUE.** — 1. Proceedings for review may be instituted by filing a petition in the circuit court of the county of proper venue within thirty days after the mailing or delivery of the notice of the agency's final decision.

2. Such petition may be filed without first seeking a rehearing, but in cases where agencies have authority to entertain motions for rehearing and such a motion is duly filed, the thirty-day period aforesaid shall run from the date of the delivery or mailing of notice of the agency's decision on such motion. No summons shall issue in such case, but copies of the petition shall be delivered to the agency and to each party of record in the proceedings before the agency or to his attorney of record, or shall be mailed to the agency and to such party or his said attorney by registered mail, and proof of such delivery or mailing shall be filed in the case.

3. The venue of such cases shall, at the option of the plaintiff, be in the circuit court of Cole County or in the county of the plaintiff or of one of the plaintiff's residence or if any plaintiff is a corporation, domestic or foreign, having a registered office or business office in this state, in the county of such registered office or business office, **except that, in cases involving real property or improvements thereto, the venue shall be the circuit court of the county where such real property is located.** The court in its discretion may permit other interested persons to intervene.

Approved June 9, 2003

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## SB 371 [SB 371]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Allows MOHELA to provide loans for nonsectarian tuition and other costs for certain students.**

AN ACT to repeal sections 173.355 and 173.385, RSMo, and to enact in lieu thereof two new sections relating to the Missouri higher education loan authority.

### SECTION

A. Enacting clause.

173.355. Definitions.

173.385. Authority, powers and duties.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 173.355 and 173.385, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 173.355 and 173.385, to read as follows:

**173.355. DEFINITIONS.** — As used in sections 173.350 to 173.450, the following terms mean:

- (1) "Authority", the Missouri higher education loan authority;
  - (2) "Board", the Missouri coordinating board for higher education;
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- (3) "Bond resolution", any indenture, resolution or other financing document pursuant to which revenue bonds, notes or other forms of indebtedness of the authority are issued or secured;
- (4) "Commissioner", the Missouri commissioner of higher education;
- (5) "Department", the Missouri department of higher education;
- (6) **"Secondary education loans", loans or notes originated by banks, other financial institutions, secondary education institutions or the authority, the proceeds of which are to be used to pay tuition for students enrolling for either junior or senior year at a secondary school which is accredited in accordance with applicable state law. Such loans shall be available only to the parents or guardians of those students who undertake courses of instruction for which post secondary school course credit may be awarded. Loan proceeds will not be available for any secondary school instruction which is sectarian in nature.**

**173.385. AUTHORITY, POWERS AND DUTIES.** — The authority shall have the following powers, together with all powers incidental thereto or necessary for the performance thereof:

- (1) To have perpetual succession as a body politic and corporate;
- (2) To adopt bylaws for the regulation of its affairs and the conduct of its business;
- (3) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
- (4) To have and to use a corporate seal and to alter the same at pleasure;
- (5) To maintain an office at such place or places in the state of Missouri as it may designate;
- (6) To issue bonds or other forms of indebtedness to obtain funds to purchase student loan notes or finance student loans, or both, including those which are guaranteed under the provisions of sections 173.095 to [173.180] **173.187**, or under the provisions of the federal Higher Education Act of 1965, as amended, **or secondary education loans**, or scholarships which have been converted to loans under the Missouri teacher education scholarship program provided for in sections 160.276 to 160.283, RSMo. Such bonds or other forms of indebtedness shall be payable from and secured by a pledge of revenues derived from or by reason of the ownership of student loan notes or financing of student loans, or both, and investment income or shall be payable from and secured as may be designated in a bond resolution authorized by the authority. Such bonds or other forms of indebtedness shall not constitute a debt or liability of the state of Missouri or of any political subdivision thereof;
- (7) To cause proceeds of any bond or any other form of indebtedness to be used to purchase student loan notes or finance student loans, or both, including those which are guaranteed under section 173.110, or guaranteed under the federal Higher Education Act of 1965, as amended, **or secondary education loans**, or scholarships which have been converted to loans under the Missouri teacher education scholarship program provided for in sections 160.276 to 160.283, RSMo;
- (8) To sell or enter into agreements to sell student loan notes acquired pursuant to subdivision (7) of this section, and any agreement to sell student loan notes guaranteed under section 173.110 shall be subject to prior approval of the department. Such agreements to sell student loan notes shall be limited only by the terms of the bond resolution authorizing the issue of the bonds or other forms of indebtedness, but shall not be limited by any other provision of law limiting the sale of such student loan notes;
- (9) To accept appropriations, gifts, grants, bequests, and devises and to utilize or dispose of the same to carry out its purpose;
- (10) To make and execute contracts, releases, compromises, and other instruments necessary or convenient for the exercise of its powers, or to carry out its purpose;
- (11) To collect reasonable fees and charges in connection with making and servicing its loans, notes, bonds, obligations, commitments, and other evidences of indebtedness, and in

connection with providing technical, consultative and project assistant services. Such fees and charges shall be used to pay the costs of the authority;

(12) To invest any funds not required for immediate disbursement in obligations of the state of Missouri or of the United States government or any instrumentality thereof, the principal and interest of which are guaranteed by the state of Missouri, or the United States government or any instrumentality thereof, or certificates of deposit or time deposits of federally insured banks, or federally insured savings and loan associations or of insured credit unions, or, with respect to moneys pledged or held under a trust estate or otherwise available for the owners of bonds or other forms of indebtedness, any investment authorized under the bond resolution governing the security and payment of such obligations or repurchase agreements for the specified investments;

(13) To acquire, hold and dispose of personal property for its purposes;

(14) To enter into agreements or other transactions with any federal or state agency, any person and any domestic or foreign partnership, corporation, association or organization;

(15) To take any necessary actions to be qualified to issue tax-exempt bonds or other forms of tax-exempt indebtedness pursuant to the applicable provisions of the Internal Revenue Code of 1986, as amended;

(16) To take any necessary actions to be qualified to issue bonds or other forms of indebtedness, the interest on which is not exempt from federal income taxation;

(17) To service student loans for any owner thereof, regardless of whether such student loans are originated in this state or out of this state.

Approved May 8, 2003

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### SB 373 [HCS SCS SB 373]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

#### **Modifies provisions of the self-storage facilities act.**

AN ACT to repeal sections 415.405, 415.410, 415.415, and 415.420, RSMo, and to enact in lieu thereof four new sections relating to warehouse and self-service storage facilities.

#### **SECTION**

A. Enacting clause.

415.405. Definitions.

415.410. Leased space not to be used as residence — operator may enter space, when — occupant to furnish operator certain information.

415.415. Lien on stored property, when, notice regarding, priority of, how enforced and satisfied — sale of property, procedure, duties of operator, distribution of proceeds — redemption by occupant, when.

415.420. Purchaser in good faith, not subject to certain liens — operator, limited liability, right to deny occupant access, when — notices, how and where sent.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 415.405, 415.410, 415.415, and 415.420, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 415.405, 415.410, 415.415, and 415.420, to read as follows:

**415.405. DEFINITIONS.** — As used in sections 415.400 to 415.430, the following terms shall mean:

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(1) "Default", the failure to perform on time any obligation or duty set forth in a rental agreement;

(2) "Last known address", that address provided by the occupant in the rental agreement or the address provided by the occupant in a subsequent written notice of a change of address;

(3) "Leased space", the individual storage space at the self-service facility which is rented to an occupant pursuant to a rental agreement;

(4) **"No commercial value", any property offered for sale in a commercially reasonable manner that receives no bid or offer;**

(5) "Occupant", a person, lessee, sublessee, successor or assignee entitled to the use of a leased space at a self-service storage facility under a rental agreement;

[(5)] (6) "Operator", the owner, operator, lessor or sublessor of a self-service storage facility, or an agent or any other person authorized to manage the facility; except that, the term "operator" does not include a warehouseman, unless the operator issues a warehouse receipt, bill of lading, or other document of title for the personal property stored;

[(6)] (7) "Personal property", movable property which is not affixed to land, including, but not limited to, goods, wares, merchandise, motor vehicles, watercraft, household items, and furnishings;

(8) **"Private sale", an unadvertised sale negotiated and concluded directly between the buyer and seller;**

(9) **"Public sale", a sale made after public notice;**

[(7)] (10) "Rental agreement", any written contract or agreement that establishes or modifies the terms, conditions or rules concerning the use and occupancy of a self-service storage facility, which is signed by the occupant and the operator;

[(8)] (11) "Self-service storage facility", any real property used for renting or leasing individual storage spaces in which the occupants themselves customarily store and remove their own personal property on a self-service basis.

**415.410. LEASED SPACE NOT TO BE USED AS RESIDENCE — OPERATOR MAY ENTER SPACE, WHEN — OCCUPANT TO FURNISH OPERATOR CERTAIN INFORMATION.** — 1. An operator may not knowingly permit a leased space at a self-service storage facility to be used for residential purposes. An occupant may not use a leased space for residential purposes.

2. An operator may enter leased space at all times which are reasonably necessary to insure the protection and preservation of the self-service storage facility or any personal property stored therein.

3. Prior to placing any personal property into his leased space, each occupant shall deliver a written statement to the operator of such leased space containing the name and address of each person having a valid lien against such personal property.

4. The lessee shall be informed in writing that the lessor either does or does not have [liability] **casualty insurance on the lessee's property.**

**415.415. LIEN ON STORED PROPERTY, WHEN, NOTICE REGARDING, PRIORITY OF, HOW ENFORCED AND SATISFIED — SALE OF PROPERTY, PROCEDURE, DUTIES OF OPERATOR, DISTRIBUTION OF PROCEEDS — REDEMPTION BY OCCUPANT, WHEN.** — 1. The operator of a self-service storage facility has a lien on all personal property stored within each leased space for rent, labor, or other charges, and for expenses reasonably incurred in sale of such personal property, as provided in sections 415.400 to 415.430. The lien established by this subsection shall have priority over all other liens except those liens that have been perfected and recorded, on personal property. The rental agreement shall contain a statement, in bold type, advising the occupant of the existence of such lien and that property stored in the leased space may be sold to satisfy such lien if the occupant is in default, and that any proceeds from the sale of the property which remain after satisfaction of the lien will be paid to the state treasurer if unclaimed by the occupant within one year after the sale of the property.

2. If the occupant is in default for a period of more than thirty days, the operator may enforce the lien granted in subsection 1 of this section and sell the property stored in the leased space for cash. Sale of the property stored on the premises may be done at a public or private sale, may be done as a unit or in parcels, or may be by way of one or more contracts, and may be at any time or place and on any terms as long as the sale is done in a commercially reasonable manner in accordance with the provisions of section [400.9-507] **400.9-627**, RSMo. The operator may otherwise dispose of any property which has no commercial value.

3. The proceeds of any sale made under this subsection shall be applied to satisfy the lien, with any surplus being held for delivery on demand to the occupant or any other lienholders which the operator knows of or which are contained in the statement filed by the occupant pursuant to subsection 3 of section 415.410 for a period of one year after receipt of proceeds of the sale and satisfaction of the lien. No proceeds shall be paid to an occupant until such occupant files a sworn affidavit with the operator stating that there are no other valid liens outstanding against the property sold and that he, the occupant, shall indemnify the operator for any damages incurred or moneys paid by the operator due to claims arising from other lienholders of the property sold. After the one-year period set in this subsection, any proceeds remaining after satisfaction of the lien shall be considered abandoned property to be reported and paid to the state treasurer in accordance with laws pertaining to the disposition of unclaimed property.

4. Before conducting a sale under subsection 2 of this section, the operator shall:

(1) At least forty-five days before any disposition of property under this section, **which shall run concurrently with subsection 2 of this section**, notify the occupant and each lienholder [which the operator knows of or] which is contained in any statement filed by the occupant pursuant to subsection 3 of section 415.410 of the default by first-class mail at the occupant's or lienholder's last known address;

(2) No later than ten days after mailing the notice required in subdivision (1) of this subsection, mail a second notice of default, by registered or certified mail, to the occupant at the occupant's or lienholder's last known address, which notice shall include:

(a) A statement that the contents of the occupant's leased space are subject to the operator's lien;

(b) A statement of the operator's claim, indicating the charges due on the date of the notice, the amount of any additional charges which shall become due before the date of release for sale and the date those additional charges shall become due;

(c) A demand for payment of the charges due within a specified time, not less than ten days after the date on which the second notice was mailed;

(d) A statement that unless the claim is paid within the time stated, the contents of the occupant's space will be sold after a specified time; and

(e) The name, street address and telephone number of the operator, or a designated agent whom the occupant may contact, to respond to the notice;

(3) At least seven days before the sale, advertise the time, place and terms of the sale in a newspaper of general circulation in the jurisdiction where the sale is to be held. Such advertisement shall be in the classified section of the newspaper and shall state that the items will be released for sale.

5. At any time before a sale under this section, the occupant may pay the amount necessary to satisfy the lien and redeem the occupant's personal property.

**415.420. PURCHASER IN GOOD FAITH, NOT SUBJECT TO CERTAIN LIENS — OPERATOR, LIMITED LIABILITY, RIGHT TO DENY OCCUPANT ACCESS, WHEN — NOTICES, HOW AND WHERE SENT.** — 1. A purchaser in good faith of any personal property sold under sections 415.400 to 415.430 takes the property free and clear of any rights of any persons against whom the lien was valid and other lienholders.

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2. If the operator complies with the provisions of sections 415.400 to 415.430, the operator's liability to the occupant shall be limited to the net proceeds received from the sale of the personal property, and to other lienholders shall be limited to the net proceeds received from the sale of any personal property covered by the other lien.

3. If an occupant is in default, [once the operator has given the occupant notice under subdivision (1) of subsection 4 of section 415.415,] the operator may deny the occupant access to the leased space.

4. Unless otherwise specifically provided in sections 415.400 to 415.430, all notices required by sections 415.400 to 415.430 shall be sent by registered or certified mail. Notices sent to the operator shall be sent to the self-service storage facility where the occupant's property is stored. Notices to the occupant shall be sent to the occupant at the occupant's last known address. Notices shall be deemed delivered when deposited with the United States postal service, properly addressed as provided in subsection 4 of section 415.415, with postage prepaid.

Approved July 1, 2003

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## SB 376 [SB 376]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### **Changes the body that certifies a deputy coroner to the Missouri Coroners and Medical Examiners Association.**

AN ACT to repeal section 58.096, RSMo, and to enact in lieu thereof one new section relating to deputy coroners.

#### SECTION

A. Enacting clause.

58.096. Compensation of deputy coroner, additional — training program, certification.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 58.096, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 58.096, to read as follows:

**58.096. COMPENSATION OF DEPUTY CORONER, ADDITIONAL — TRAINING PROGRAM, CERTIFICATION.** — Each deputy county coroner, upon certification [by the county officials training commission] **by the Missouri coroners and medical examiners association** of attendance at a training program required by the provisions of **subsection 2 of** section [67.130, RSMo.] **58.095** shall receive annual compensation, in addition to other compensation, of one thousand dollars per year so long as **subsection 2 of** section [67.130, RSMo.] **58.095** remains in effect. This additional compensation shall be paid in the same manner and at the same times as other compensation is paid to the deputy county coroner. The provisions of this section shall not permit or require a reduction in the amount of compensation received by any person holding the office of deputy county coroner on January 1, 1989.

Approved July 1, 2003

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## SB 379 [CCS HCS SCS SB 379]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Allows the City of Springfield to remove or transfer real property from a district or zone designation.**

AN ACT to amend chapter 67, RSMo, by adding thereto one new section relating to community improvement districts.

SECTION

- A. Enacting clause.  
67.1442. Certain cities, removal of real property from district or change in class designation, purpose, procedure (Springfield).

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 67, RSMo, is amended by adding thereto one new section, to be known as section 67.1442, to read as follows:

**67.1442. CERTAIN CITIES, REMOVAL OF REAL PROPERTY FROM DISTRICT OR CHANGE IN CLASS DESIGNATION, PURPOSE, PROCEDURE (SPRINGFIELD).** — Upon the written request of any real property owner within any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants, the governing body of the municipality may hold a public hearing for the removal of real property from such district or a change in designation of the class of real property for the purpose of the types of services to be received or fees, taxes, or assessments to be levied, and such real property may be removed from such district or have its class designation changed to another class of the same district, provided that:

- (1) The board consents to the removal of such property;
- (2) The district can meet its obligations without the revenues generated by or on the real property proposed to be removed from the district or proposed to have its class designation changed; and
- (3) The public hearing is conducted in the same manner as required by section 67.1431 with notice of the hearing given in the same manner as required by section 67.1431, except that postage prepaid first class mail shall be sufficient notice by mail for purposes of this section, and such notice shall include:
  - (a) The date, time, and place of the public hearing;
  - (b) The name of the district;
  - (c) The boundaries by street location, or other readily identifiable means if no street location exists of the real property proposed to be removed from the district or proposed to have its class designation changed, and a map illustrating the boundaries of the existing district and the real property proposed to be removed; and
  - (d) A statement that all interested persons shall be given an opportunity to be heard at the public hearing.

Approved July 9, 2003

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## SB 383 [SB 383]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Modifies duties of county recorder in manner of recording certain documents.**

AN ACT to repeal section 59.330, RSMo, and to enact in lieu thereof one new section relating to recording documents.

## SECTION

A. Enacting clause.

59.330. What shall be recorded — legal description required, when — validity.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 59.330, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 59.330, to read as follows:

**59.330. WHAT SHALL BE RECORDED — LEGAL DESCRIPTION REQUIRED, WHEN — VALIDITY.** — 1. It shall be the duty of recorders to record:

(1) All deeds, mortgages, conveyances, deeds of trust, assignments, bonds, covenants, defeasances, or other instruments of writing, of or concerning any lands and tenements, or goods and chattels, which shall be proved or acknowledged [according to law], and authorized to be recorded in their offices;

(2) All papers and documents found in their respective offices, of and concerning lands and tenements, or goods and chattels, and which were received from the Spanish and French authorities at the change of government;

(3) All marriage contracts and certificates of marriage;

(4) All commissions and official bonds required by law to be recorded in their offices;

(5) All written statements furnished to him for record, showing the sex and date of birth of any child or children, the name, business and residence of the father and maiden name of the mother of such child or children.

2. All deeds, mortgages, conveyances, deeds of trust, assignments, bonds, covenants or defeasances, except supplemental indentures of utility companies and rural electric cooperatives, must contain a legal description of the lands affected. All deeds, except deeds of easement or right-of-way conveying any lands or tenements must contain a mailing address of one of the grantees named in the instrument. The recorder of deeds shall not record such instrument absent such address or legal description; provided, however, that the statutory constructive notice or the validity of the instrument shall not be affected by the absence of the address or the absence of the legal description.

Approved July 9, 2003

## SB 385 [HCS SCS SB 385]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Modifies how taxes are calculated for workers' compensation policies with deductible options.**

AN ACT to repeal section 287.310, RSMo, and to enact in lieu thereof three new sections relating to workers' compensation policies.

SECTION

A. Enacting clause.

287.310. Policies to be approved by department of insurance — deductible plans authorized, requirements.

287.716. Surcharge on deductible plan policyholders, when, calculation of — notification of policyholders.

287.717. Surcharge collection, procedure — failure to pay, interest assessed, when.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 287.310, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 287.310, 287.716, and 287.717, to read as follows:

**287.310. POLICIES TO BE APPROVED BY DEPARTMENT OF INSURANCE — DEDUCTIBLE PLANS AUTHORIZED, REQUIREMENTS.** — 1. Every policy of insurance against liability under this chapter shall be in accordance with the provisions of this chapter and shall be in a form approved by the director of the department of insurance. Such policy shall contain an agreement that the insurer accepts all of the provisions of this chapter, that the same may be enforced by any person entitled to any rights under this chapter as well as by the employer, that the insurer shall be a party to all agreements or proceedings under this chapter, and his appearance may be entered therein and jurisdiction over his person may be obtained as in this chapter provided, and such covenants shall be enforceable notwithstanding any default of the employer.

2. Any insurer issuing a workers' compensation policy may offer, as a part of the policy or as an optional endorsement to the policy, a deductible plan or plans to allow the insured employer to self-insure for the deductible amount, subject to the approval of the director of insurance. No deductible plan shall be approved which permits, directly or indirectly, any part of the deductible to be charged to or passed on to an employee of the insured employer.

3. Any deductible plan authorized under this section may provide for the agreement between the insurer and the insured employer regarding the conditions under which the employer shall be responsible for the payment of any deductible amount to the person or health care provider entitled to such payment pursuant to this chapter, except that no deductible plan shall be approved unless the insurer shall retain the ultimate responsibility for the payment of compensable claims. Where the agreement provides for the payment of the deductible amount by the insurer, the insurer shall pay all the deductible amount applicable to a compensable claim directly to the person or health care provider entitled to the benefit pursuant to this chapter, and shall then be reimbursed by the insured employer for such payments. The insured employer shall be liable to the insurer up to the limit of the deductible, and any failure on the part of the insured employer to provide such reimbursements shall be treated under the workers' compensation policy in the same manner as a nonpayment of premium. An employer's failure to reimburse deductible amounts to the insurer shall not cause the unpaid amount to be paid from the second injury fund under section 287.220. The insurer shall have the right to offset unpaid deductible amounts against unearned premiums, if any, in the event of a cancellation of the policy.

4. Deductible plans shall provide appropriate premium reductions, as approved by the director of insurance, to reflect the type and level of the deductible amount selected. Losses paid by the employer under the deductible shall be credited against the employer's experience modification while the deductible option is used, unless the employer exercises the right to purchase a gross reportable deductible plan.

5. An insurer shall not be required to offer a deductible if, as a result of a credit investigation, the insurer determines that the employer does not have the financial ability to be responsible for the payment of deductible amounts.

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6. An insurer shall service and, if necessary, defend all claims that arise during the policy period, including those claims payable in whole or in part from the deductible amount.

7. No employer who self-insures for a deductible amount as provided in this section shall harass, discharge, or otherwise discriminate against any employee because the employee has taken any action or is considering taking action which might result in the insured employer being required to pay a deductible amount.

8. Any rating organization or advisory organization authorized by the provisions of section 287.330 may file on behalf of its members, deductible plans for approval by the director of insurance.

9. [In calculating the taxes owed under the provisions of this chapter for workers' compensation policies with deductible options, the premiums upon which the taxes are assessed shall be deemed to be those premiums which would have been paid in the absence of the deductible option.] **In calculating the administrative surcharge owed pursuant to the provisions of this chapter for workers' compensation policies with deductible options, the administrative surcharge owed will be based upon the total premiums, which would have been paid for the deductible credit portion of the policy. The second injury fund surcharge owed by the employer who purchases a deductible policy will be assessed upon the total premiums which would have been paid in the absence of the deductible option. The premium taxes owed pursuant to this chapter for workers' compensation policies with deductible options shall be assessed upon those total premiums paid upon the insurance policy excluding the deductible credit portion of the policy. The portion of the workers' compensation policy with a deductible option that is subject to an administrative surcharge shall not be subject to premium taxes, nor with respect to foreign insurance companies, the retaliatory tax imposed pursuant to section 375.916, RSMo.**

10. The director of insurance shall, by rule, specify any data reporting requirements applicable to workers' compensation policies with deductible options.

**287.716. SURCHARGE ON DEDUCTIBLE PLAN POLICYHOLDERS, WHEN, CALCULATION OF — NOTIFICATION OF POLICYHOLDERS. — 1. For the purpose of providing funds for the administration of the workers' compensation division, the division director shall impose an annual administrative surcharge upon every workers' compensation deductible plan policyholder insured pursuant to the provisions of this chapter. An annual administrative surcharge imposed pursuant to this section shall apply to all workers' compensation policies with a deductible option that are written or renewed on or after January 1, 2004.**

**2. In calculating the administrative surcharge owed pursuant to the provisions of this chapter for workers' compensation policies with deductible options, the administrative surcharge owed will be based upon the total premiums, which would have been paid for the deductible credit portion of the policy. The annual administrative surcharge assessed shall be set at the same rate as the premium tax imposed by section 287.690 for each calendar year.**

**3. All workers' compensation insurers shall be notified by the division of workers' compensation within ten days of the determination of the administrative surcharge percentage to be imposed for, and paid in, the following calendar year.**

**287.717. SURCHARGE COLLECTION, PROCEDURE — FAILURE TO PAY, INTEREST ASSESSED, WHEN. — 1. Beginning January 1, 2004, the administrative surcharge established pursuant to section 287.716, shall be collected from deductible plan policyholders by each insurer at the same time and in the same manner that the premium is collected, but no insurer or its agent shall be entitled to any portion of the administrative surcharge as a fee or commission for its collection. The administrative surcharge is not subject to any taxes, licenses, or fees.**

2. All administrative surcharges imposed pursuant to section 287.716 shall be paid to the Missouri director of revenue and shall be deposited to the workers' compensation administrative fund.

3. The amount of the administrative surcharge due for the current calendar year shall be paid in four approximately equal estimated quarterly installments, and a fifth reconciling installment. The first four installments shall be based upon the amount of administrative surcharge payable in the calendar year for which the surcharge is imposed. The quarterly installments shall be made on the first day of March, the first day of June, the first day of September, and the first day of December. On or before the first day of March of each year, every such insurer shall submit a report, verified by the affidavit of its president and secretary or other chief officers or agents, to the director of the department of insurance, stating the amount of all such total premiums which would have been paid for the deductible portion.

4. If after the end of any calendar year, the amount of the actual administrative surcharge due is less than the total amount of the installments actually paid, the amount by which the amount paid exceeds the amount due shall only be credited against the administrative surcharge for the following year and deducted from the quarterly installment due on June first and any other payments required by this section until the credit is exhausted. In the event no such payments are due and upon application of the insurer, the director of revenue may refund the amount of credit if no other obligation is owed to the state.

5. If a deductible plan policyholder fails to make payment of the administrative surcharge, or an insurer fails to make timely transfer to the director of revenue of administrative surcharges actually collected from deductible plan policyholders, as required by this section, a late charge of one-half of one percent of the administrative surcharge unpaid, or transferred, shall be assessed against the liable deductible plan policyholder or insurer. Late charges assessed pursuant to this subsection shall be collected in a civil action by a summary proceeding brought by the director of the division of workers' compensation.

6. If the administrative surcharges imposed by this section are not paid when due, the deductible plan policyholder or insurer shall be required to pay, as part of such administrative surcharge, interest thereon at the rate of one and one-half percent per month for each month or fraction thereof delinquent. In the event the state prevails in any dispute concerning an assessment of the administrative surcharge, which has not been paid by the policyholder or insurer, interest shall be paid upon the amount found due to the state at the rate of one and one-half percent per month for each month or fraction thereof delinquent.

7. The division may authorize electronic transfer of all forms, reports, payments, and other information deemed appropriate by the division as required pursuant to this section and sections 287.690, 287.710, 287.715, and 287.716. Information filed pursuant to this section and sections 287.690, 287.710, 287.715, and 287.716 and under any rules promulgated by the division pursuant to this section and sections 287.690, 287.710, 287.715, and 287.716 shall be confidential and not subject to chapter 610, RSMo.

8. This section shall not apply to any employer or group of employers authorized by the division to self-insure their liability pursuant to this chapter.

Approved July 11, 2003

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## SB 388 [SB 388]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Increases the amount borrowers can be guaranteed from the single purpose animal facilities loan guarantee fund.**

AN ACT to repeal sections 348.195 and 348.210, RSMo, and to enact in lieu thereof two new sections relating to loan guarantees.

**SECTION**

A. Enacting clause.

348.195. Certificate of guaranty may be issued, conditions — eligible lender, defined — participation fee, amount — limitation of amount.

348.210. Eligibility for guarantees for loans — rules — terms, conditions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 348.195 and 348.210, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 348.195 and 348.210, to read as follows:

**348.195. CERTIFICATE OF GUARANTY MAY BE ISSUED, CONDITIONS — ELIGIBLE LENDER, DEFINED — PARTICIPATION FEE, AMOUNT — LIMITATION OF AMOUNT.** — 1. The authority may issue certificates of guaranty covering a first loss guarantee up to but not more than [twenty-five] **fifty** percent of the loan on a declining principal basis for loans to individuals executing a note or other evidence of a loan made for livestock production or other single-purpose animal facility, including animal waste systems or livestock purchase, but not to exceed the amount of two hundred fifty thousand dollars for any one individual and to pay from the single-purpose animal facilities loan guarantee fund to an eligible lender up to [twenty-five] **fifty** percent of the amount on a declining principal basis of any loss on any guaranteed loan made under the provisions of sections 348.185 to 348.225, in the event of default on the loan. Upon payment of the loan, the authority shall be subrogated to all the rights of the eligible lender.

2. As used in sections 348.185 to 348.225, the term "eligible lender" means those entities defined as "lenders" under subdivision (8) of section 348.015.

3. The authority shall charge for each guaranteed loan a one-time participation fee of one percent which shall be collected by the lender at the time of closing and paid to the authority. In addition, the authority may charge a special loan guarantee fee of up to one percent per annum of the outstanding principal which shall be collected from the borrower by the lender and paid to the authority. Amounts so collected shall be deposited in the single-purpose animal facilities loan program fund and used, upon appropriation, to pay the costs of administering the program.

4. All moneys paid to satisfy a defaulted guaranteed loan shall only be paid out of the single-purpose animal facilities loan guarantee fund established by sections 348.185 to 348.225.

5. The total outstanding guaranteed loans shall at no time exceed an amount which, according to sound actuarial judgment, would allow immediate redemption of [forty] **twenty** percent of the outstanding loans guaranteed by the fund at any one time.

**348.210. ELIGIBILITY FOR GUARANTEES FOR LOANS — RULES — TERMS, CONDITIONS.** — 1. Persons eligible for guarantees for loans under the provisions of sections 348.185 to 348.225 are individuals engaged in farming operations as defined in section 348.015, who intend to use the proceeds from the loan to finance breeding or feeder livestock, including the purchase of additional or replacement livestock, land, buildings, facilities, equipment, machinery, and

animal waste facilities used to produce poultry, hogs, beef, or dairy cattle, or other animals and who are seeking a loan or loans to finance not more than ninety percent of the anticipated cost.

2. The authority shall adopt and promulgate regulations establishing eligibility under the provisions of sections 348.185 to 348.225, taking into consideration the individual's ability to repay the loan, the general economic conditions of the area in which the individual will be located, the prospect of success of the particular facility for which the loan is sought and such other factors as the authority may establish. The eligibility of any person for a loan guarantee under the provisions of sections 348.185 to 348.225 shall not be determined or otherwise affected by any consideration of that person's race, religion, sex, creed, color, or location of residence. The authority may also provide for:

- (1) The requirement or nonrequirement of security or endorsement and the nature thereof;
- (2) The manner and time of repayment of the principal and interest;
- (3) The maximum rate of interest;
- (4) The right of the borrower to accelerate payments without penalty;
- (5) The amount of the guaranty charge;
- (6) The effective period of the guaranty;
- (7) The percent of the loan, not to exceed [twenty-five] **fifty** percent, covered by the guaranty;
- (8) The assignability of loans by the lender;
- (9) Procedures in event of default by the borrower;
- (10) The due diligence effort on the part of lenders for collection of guaranteed loans;
- (11) Collection assistance to be provided to lenders; and
- (12) The extension of the guaranty in consideration of duty in the armed forces, unemployment, natural disasters, or other hardships.

Approved July 11, 2003

## SB 394 [CCS HCS SB 394]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

### **Modifies law governing corporate formalities.**

AN ACT to repeal sections 347.700, 347.720, 351.046, 351.182, 351.268, 351.315, 351.320, 351.385, 351.455, 358.150, 358.520 and 359.165, RSMo, and to enact in lieu thereof twelve new sections relating to general and business corporations.

#### SECTION

- A. Enacting clause.
- 347.700. Law to apply, merger or consolidation.
- 347.720. Agreement of merger or consolidation — authorization and approval — certification — abandonment, procedure.
- 351.046. Filing requirements.
- 351.182. Stock warrants, options — terms — consideration.
- 351.268. Shareholder's meeting, adjournment due to lack of quorum — postponement, adjournment defined.
- 351.315. Number of directors, how elected, how removed.
- 351.320. Board vacancy, how filled.
- 351.385. Powers of corporation.
- 351.455. Shareholder who objects to merger may demand value of shares, when — remedy exclusive, when.
- 358.150. Nature of partner's liability.
- 358.520. Merger or consolidation of a domestic general partnership, authorization.

359.165. Merger of domestic limited partnership — filing required, effective date — articles of merger or consolidation required, when, contents, secretary of state agent for service of process — effect of merger.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 347.700, 347.720, 351.046, 351.182, 351.268, 351.315, 351.320, 351.385, 351.455, 358.150, 358.520 and 359.165, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 347.700, 347.720, 351.046, 351.182, 351.268, 351.315, 351.320, 351.385, 351.455, 358.150, 358.520, and 359.165, to read as follows:

**347.700. LAW TO APPLY, MERGER OR CONSOLIDATION.** — 1. A merger or consolidation solely between any two or more domestic corporations or one or more domestic corporations and one or more foreign corporations shall be governed by and subject to chapter 351 or 355, RSMo, as is applicable.

**2. A merger or consolidation solely between any two or more domestic general partnerships or one or more domestic general partnerships and one or more foreign general partnerships shall be governed by and subject to section 358.520, RSMo.**

[2.] **3.** A merger or consolidation solely between any two or more domestic limited partnerships or one or more domestic limited partnerships and one or more foreign limited partnerships shall be governed by and subject to section 359.165, RSMo.

[3.] **4.** A merger or consolidation solely between any two or more domestic limited liability companies or one or more domestic limited liability companies and one or more foreign limited liability companies shall be governed by sections 347.127 to 347.133.

[4.] **5.** A business combination involving any resident domestic corporation and any interested shareholder of such resident domestic corporation shall be governed by and subject to section 351.459, RSMo.

[5.] **6.** Subject to the provisions of this section, any merger or consolidation between one or more domestic corporations and any one or more constituent entities at least one of which is not a corporation, one or more domestic general partnerships and any one or more constituent entities at least one of which is not a general partnership, one or more domestic limited partnerships and any one or more constituent entities at least one of which is not a limited partnership, one or more domestic limited liability partnerships and any one or more constituent entities at least one of which is not a limited liability partnership, one or more domestic limited liability limited partnerships and any one or more constituent entities at least one of which is not a limited liability limited partnership, or one or more domestic limited liability companies and any one or more constituent entities at least one of which is not a limited liability company shall be governed by and subject to the provisions of sections 347.700 to 347.735.

**347.720. AGREEMENT OF MERGER OR CONSOLIDATION — AUTHORIZATION AND APPROVAL — CERTIFICATION — ABANDONMENT, PROCEDURE.** — 1. The agreement of merger or consolidation required by section 347.715 shall be authorized and approved in the following manner:

(1) A constituent entity that is a domestic general partnership shall have the agreement of merger or consolidation authorized and approved by all of the partners, unless otherwise provided in the articles or agreement of partnership;

(2) A constituent [estate] **entity** that is a domestic **limited** partnership shall have the agreement of merger or consolidation approved by all general partners and by all of the limited partners unless otherwise provided in the articles or agreement of limited partnership;

(3) A constituent [estate] **entity** that is a domestic corporation shall have the agreement of merger or consolidation approved in the manner applicable to a merger of two or more domestic corporations as provided in chapter 351 or 355, RSMo, as is applicable;

(4) A constituent entity that is a domestic limited liability company shall have the agreement of merger or consolidation approved in the manner provided in section 347.079; and

(5) Each constituent entity formed under the laws of a jurisdiction other than this state shall have the agreement of merger or consolidation approved in accordance with the laws of such other jurisdiction.

2. The fact that the agreement of merger or consolidation has been authorized and approved in accordance with this section shall be certified on the agreement of merger or consolidation on behalf of each constituent entity:

(1) In the case of any domestic general or limited partnership, by any general partner;

(2) In the case of any domestic corporation, by its president or a vice president, and by its secretary or an assistant secretary;

(3) In the case of any domestic limited liability company, by any authorized person as defined in section 347.015; and

(4) In the case of any constituent entity formed under the laws of any jurisdiction other than this state, in accordance with the laws of such other jurisdiction.

3. After the agreement of merger or consolidation is authorized and approved, unless the agreement of merger or consolidation provides otherwise, and at any time before the agreement of merger or consolidation or certificate of merger or consolidation is effective as provided for in section 347.725, the agreement of merger or consolidation may be abandoned, subject to any contractual rights, in accordance with the procedure set forth in the agreement of merger or consolidation or, if none is set forth, with the approval of those persons or individuals entitled to approve the merger or consolidation as provided in subsection 1 of this section.

**351.046. FILING REQUIREMENTS.** — 1. A document shall satisfy the requirements of this section, and of any other section that adds to or varies from these requirements, to be entitled to filing by the secretary of state.

2. This chapter shall require or permit filing the document in the office of the secretary of state.

3. The document shall contain the information required by this chapter. It may contain other information as well.

4. The document shall be typewritten or printed.

5. The document shall be in the English language.

A corporate name need not be in English if written in English letters or Arabic or Roman numerals, and the certificate of existence required of foreign corporations need not be in English if accompanied by a reasonably authenticated English translation.

6. The document shall be executed:

(1) By the chairman of the board of directors of a domestic or foreign corporation, by its president, or by another of its officers;

(2) If directors have not been selected or the corporation has not been formed, by the incorporator(s); or

(3) If the corporation is in the hands of a receiver, trustee, or other court-appointed fiduciary, by that fiduciary.

7. The person executing the document shall sign it and state beneath or opposite his signature his name and the capacity in which he signs. The document may contain the corporate seal, an attestation by the secretary or an assistant secretary, an acknowledgment, verification or proof.

8. If the secretary of state has prescribed a mandatory form for the document under the provisions of section 351.047, the document shall be in or on the prescribed form.

9. The document shall be delivered to the office of the secretary of state for filing and must be accompanied by one exact or conformed copy, except as provided in sections 351.376 and 351.592, the correct filing fee, and any franchise tax, license fee, or penalty required by this chapter or other law.

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**10. Any signature on any document authorized to be filed by or with the secretary of state pursuant to this chapter may be a facsimile, a conformed signature or an electronically transmitted signature.**

**351.182. STOCK WARRANTS, OPTIONS — TERMS — CONSIDERATION.** — 1. Subject to any provisions in the articles of incorporation, every corporation may create and issue, whether or not in connection with the issue and sale of any shares of stock or other securities of the corporation, rights or options entitling the holders thereof to purchase from the corporation any shares of its capital stock of any class or classes, such rights or options to be evidenced by or in such instrument or instruments as is approved by the board of directors. If at the time the corporation issues rights or options, there is insufficient authorized and unissued shares to provide the shares needed if and when the rights or options are exercised, the granting of the rights or options shall not be invalid solely by reason of the lack of sufficient authorized but unissued shares.

2. The terms upon which any such shares may be purchased from the corporation upon the exercise of any such right or option, shall be as stated in the articles of incorporation, or in a resolution adopted by the board of directors providing for the creation and issue of such rights or options, and, in every case, shall be set forth or incorporated by reference in the instrument or instruments evidencing such rights or options. Such terms may include, but not be limited to:

- (1) The duration of such rights or options, which may be limited or unlimited;
- (2) The price or prices at which any such shares may be purchased from the corporation upon the exercise of any such right or option;
- (3) The holders by whom such rights or options may be exercised;
- (4) The conditions to or which may preclude or limit the exercise, transfer or receipt of such rights or options, or which may invalidate or void such rights or options, including without limitation conditions based upon a specified number or percentage of outstanding shares, rights, options, convertible securities, or obligations of the corporation as to which any person or persons or their transferees own or offer to acquire; and

(5) The conditions upon which such rights or options may be redeemed. Such terms may be made dependent upon facts ascertainable outside the documents evidencing the rights, or the resolution providing for the issue of the rights or options adopted by the board of directors, if the manner in which the facts shall operate upon the exercise of the rights or options is clearly and expressly set forth in the document evidencing the rights or options, or in the resolution. In the absence of actual fraud in the transaction, the judgment of the directors as to the consideration for the issuance of such rights or options and the sufficiency thereof and the terms of such rights or options shall be conclusive. In case the shares of stock of the corporation to be issued upon the exercise of such rights or options shall be shares having a par value, the price or prices so to be received therefor shall not be less than the par value thereof. In case the shares of stock so to be issued shall be shares of stock without par value, the consideration therefor shall be determined in the manner provided in section 351.185. Nothing contained in subsection 1 of section 351.180 shall be deemed to limit the authority of the board of directors to determine, in its sole discretion, the terms of the rights or options issuable pursuant to this section.

**3. The board of directors may, by a resolution adopted by the board, authorize one or more officers of the corporation to do one or both of the following:**

- (1) **Designate officers and employees of the corporation or of any of its subsidiaries to be recipients of such rights or options created by the corporation;**
- (2) **Determine the number of such rights or options to be received by such officers and employees; provided, however, that the resolution so authorizing such officer or officers shall specify the total number of rights or options such officer or officers may so award. The board of directors may not authorize an officer to designate himself or herself as a recipient of any such rights or options.**

**351.268. SHAREHOLDER'S MEETING, ADJOURNMENT DUE TO LACK OF QUORUM — POSTPONEMENT, ADJOURNMENT DEFINED.** — 1. In addition to the provisions of sections 351.265 and 351.267 regarding the adjournment of shareholders meetings at which a quorum is not present, unless the bylaws provide to the contrary, a meeting may be otherwise successively adjourned to a specified date not longer than ninety days after such adjournment or to another place. Notice need not be given of the adjourned meeting if the time and place thereof are announced at the meeting at which the adjournment is taken. At the adjourned meeting the corporation may transact any business which might have been transacted at the original meeting. If the adjournment is for more than ninety days, or if after the adjournment a new record date is fixed for the adjourned meeting, a notice of the date and place of the adjourned meeting shall be given to each shareholder of record entitled to vote at the meeting.

2. A shareholder's meeting may be successively postponed by resolution of the board of directors, unless otherwise provided in the bylaws, to a specified date up to a date ninety days after such postponement or to another place, provided notice of the date and place of the postponed meeting, which may be by public notice, is given to each shareholder of record entitled to vote at the meeting [prior to the date previously scheduled for such meeting].

3. For purposes of this chapter, "adjournment" means a delay in the date, which may also be combined with a change in the place, of a meeting after the meeting has been convened; "postponement" means a delay in the date, which may be combined with a change in the place, of the meeting before it has been convened, but after the time and place thereof have been set forth in a notice delivered or given to shareholders; and public notice shall be deemed to have been given if a public announcement is made by press release reported by a national news service or in a publicly available document filed with the United States Securities and Exchange Commission.

**351.315. NUMBER OF DIRECTORS, HOW ELECTED, HOW REMOVED.** — 1. A corporation shall have three or more directors, except that a corporation may have one or two directors provided the number of directors to constitute the board of directors is stated in the articles of incorporation. Any corporation may elect its directors for one or more years, not to exceed three years, the time of service and mode of classification to be provided for by the articles of incorporation or the bylaws of the corporation; but, there shall be an annual election for such number or proportion of directors as may be found upon dividing the entire number of directors by the number of years composing a term. At the first annual meeting of shareholders and at each annual meeting thereafter the shareholders entitled to vote shall elect directors to hold office until the next succeeding annual meeting, except as herein provided. Each director shall hold office for the term for which he is elected or until his successor shall have been elected and qualified.

2. **The articles of incorporation may confer upon holders of any class or series of stock the right to elect one or more directors who shall serve for such term and shall have such voting powers as shall be stated in the articles of incorporation. The terms of office and voting powers of the directors elected in the manner so provided in the articles of incorporation may be greater than or less than those of any other director or class of directors. If the articles of incorporation provide that directors elected by the holders of a class or series of stock shall have more or less than one vote per director on any matter, every reference in this chapter to a majority or other proportion of directors shall refer to a majority or other proportion of the votes such directors are entitled to cast.**

3. At a meeting called expressly for that purpose, directors may be removed in the manner provided in this section. Such meeting shall be held at the registered office or principal business office of the corporation in this state or in the city or county in this state in which the principal business office of the corporation is located. Unless the articles of incorporation or the bylaws provide otherwise, one or more directors or the entire board of directors may be removed, with or without cause, by a vote of the holders of a majority of the shares then entitled to vote at an

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election of directors. If the articles of incorporation or bylaws provide for cumulative voting in the election of directors, if less than the entire board is to be removed, no one of the directors may be removed if the votes cast against [his] **such director's** removal would be sufficient to elect [him] **such director** if then cumulatively voted at an election of the entire board of directors, or, if there be classes of directors, at an election of the class of directors of which [he] **such director** is a part. Whenever the holders of the shares of any class are entitled to elect one or more directors by the provisions of the articles of incorporation, the provisions of this section shall apply, in respect of the removal of a director or directors so elected, to the vote of the holders of the outstanding shares of that class and not to the vote of the outstanding shares as a whole.

[3.] **4.** The corporation shall give written notice to the secretary of state of the number of directors of the corporation as fixed by any method. The notice shall be given within thirty days of the date when the number of directors is fixed, and similar notice shall be given whenever the number of directors is changed.

**351.320. BOARD VACANCY, HOW FILLED.** — **1.** Unless otherwise provided in the articles of incorporation or bylaws of the corporation, vacancies on the board and newly created directorships resulting from any increase in the number of directors to constitute the board of directors may be filled by a majority of the directors then in office, although less than a quorum, or by a sole remaining director, until the next election of directors by the shareholders of the corporation; except that, if shareholders elect directors by class pursuant to section 351.315, a director elected by the board pursuant to this section to fill a vacancy or to a newly created directorship need not be presented for election by shareholders until the class to which the director has been so elected by the board is presented for election by the shareholders.

**2. Whenever the holders of any class or classes of stock or series thereof are entitled to elect one or more directors by the articles of incorporation, vacancies and newly created directorships with respect to such class or classes or series may be filled by a majority of the directors elected by such class or classes or series thereof then in office.**

**351.385. POWERS OF CORPORATION.** — Each corporation shall have power:

(1) To have succession by its corporate name for the period limited in its articles of incorporation or perpetually where there is no such limitations;

(2) To sue and be sued, complain and defend in any court of law or equity;

(3) To have a corporate seal which may be altered at pleasure and to use the same by causing it or a facsimile thereof to be impressed or affixed or in any manner reproduced;

(4) To purchase, take, receive, lease, or otherwise acquire, own, hold, improve, use and otherwise deal in, sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its real or personal property, or any interest therein, or other assets, wherever situated; and to hold for any period of time, real estate acquired in payment of a debt, by foreclosure or otherwise, or real estate exchanged therefor;

(5) To be a general or limited partner;

(6) To purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, loan, pledge, or otherwise dispose of, and otherwise use and deal in and with, shares or other interests in, or obligations of, other domestic or foreign corporations, associations, partnerships, or individuals, or direct or indirect obligations of the United States or of any other government, state, territory, governmental district or municipality or of any instrumentality thereof;

(7) To make contracts and guarantees, including but not limited to guarantees of the capital stock, bonds, other securities, evidences of indebtedness and other debts and obligations issued by any other corporation of this or any other state, or issued by any state or [other] **any** political subdivision thereof; to incur liabilities; to borrow money at such rates of interest as the corporation may determine without regard to the restrictions of any usury law of this state; to

issue its notes, bonds, and other obligations; to issue notes or bonds, secured or unsecured, which by their terms are convertible into shares of stock of any class, upon such terms and conditions and at such rates or prices as may be provided in such notes or bonds and the indenture or mortgage under which they are issued; and to secure any of its obligations by mortgage, pledge, or deed of trust of all or any of its property, franchises, and income;

(8) To invest its surplus funds from time to time and to lend money and to take and hold real and personal property as security for the payment of funds so invested or loaned;

(9) To conduct its business, carry on its operations, and have offices within and without this state, and to exercise in any other state, territory, district, or possession of the United States, or in any foreign country, the powers granted by this chapter;

(10) To elect or appoint directors, officers and agents of the corporation, define their duties and fix their compensation, and to indemnify directors, officers and employees to the extent and in the manner permitted by law;

(11) To make and alter bylaws, not inconsistent with its articles of incorporation or with the laws of this state, for the administration and regulation of the affairs of the corporation, and to adopt emergency bylaws and exercise emergency powers as permitted by law;

(12) To transact any lawful business in aid of the United States in the prosecution of war, to make donations to associations and organizations aiding in war activities, and to lend money to the state or federal government for war purposes;

(13) To cease its corporate activities and surrender its corporate franchise;

(14) To have and exercise all powers necessary or convenient to effect any or all of the purposes for which the corporation is formed;

(15) To make contributions to any corporation organized for civic, charitable, benevolent, scientific or educational purposes, or to any incorporated or unincorporated association, community chest or community fund, not operated or used for profit to its members but operated for the purposes of raising funds for and of distributing funds to other civic, charitable, benevolent, scientific or educational organizations or agencies;

**(16) To renounce, in its articles of incorporation or by action of its board of directors, any interest or expectancy of the corporation in, or in being offered an opportunity to participate in, specified business opportunities or specified classes or categories of business opportunities that are presented to the corporation, or one or more of its officers, directors, employees, agents, or stockholders.**

**351.455. SHAREHOLDER WHO OBJECTS TO MERGER MAY DEMAND VALUE OF SHARES, WHEN — REMEDY EXCLUSIVE, WHEN. — 1.** If a shareholder of a corporation which is a party to a merger or consolidation [shall file with such corporation, prior to or] **and, in the case of a shareholder owning voting stock as of the record date,** at the meeting of shareholders at which the plan of merger or consolidation is submitted to a vote[,] **shall file with such corporation prior to or at such meeting** a written objection to such plan of merger or consolidation, and shall not vote in favor thereof, and such shareholder, within twenty days after the merger or consolidation is effected, shall make written demand on the surviving or new corporation for payment of the fair value of his **or her** shares as of the day prior to the date on which the vote was taken approving the merger or consolidation, the surviving or new corporation shall pay to such shareholder, upon surrender of his **or her** certificate or certificates representing said shares, the fair value thereof. Such demand shall state the number and class of the shares owned by such dissenting shareholder. Any shareholder failing to make demand within the twenty day period shall be conclusively presumed to have consented to the merger or consolidation and shall be bound by the terms thereof.

2. If within thirty days after the date on which such merger or consolidation was effected the value of such shares is agreed upon between the dissenting shareholder and the surviving or new corporation, payment therefor shall be made within ninety days after the date on which such merger or consolidation was effected, upon the surrender of his **or her** certificate or certificates

representing said shares. Upon payment of the agreed value the dissenting shareholder shall cease to have any interest in such shares or in the corporation.

3. If within such period of thirty days the shareholder and the surviving or new corporation do not so agree, then the dissenting shareholder may, within sixty days after the expiration of the thirty day period, file a petition in any court of competent jurisdiction within the county in which the registered office of the surviving or new corporation is situated, asking for a finding and determination of the fair value of such shares, and shall be entitled to judgment against the surviving or new corporation for the amount of such fair value as of the day prior to the date on which such vote was taken approving such merger or consolidation, together with interest thereon to the date of such judgment. The judgment shall be payable only upon and simultaneously with the surrender to the surviving or new corporation of the certificate or certificates representing said shares. Upon the payment of the judgment, the dissenting shareholder shall cease to have any interest in such shares, or in the surviving or new corporation. Such shares may be held and disposed of by the surviving or new corporation as it may see fit. Unless the dissenting shareholder shall file such petition within the time herein limited, such shareholder and all persons claiming under [him] **such shareholder** shall be conclusively presumed to have approved and ratified the merger or consolidation, and shall be bound by the terms thereof.

4. The right of a dissenting shareholder to be paid the fair value of [his] **such shareholder's** shares as herein provided shall cease if and when the corporation shall abandon the merger or consolidation.

**5. When the remedy provided for in this section is available with respect to a transaction, such remedy shall be the exclusive remedy of the shareholder as to that transaction, except in the case of fraud or lack of authorization for the transaction.**

**358.150. NATURE OF PARTNER'S LIABILITY.** — 1. Except as provided in subsection 2 of this section, all partners are liable jointly and severally for everything chargeable to the partnership pursuant to sections 358.130 and 358.140, and for all other debts and obligations of the partnership. Any partner may enter into a separate obligation to perform a partnership contract.

2. Subject to subsection 3 of this section, no partner in a registered limited liability partnership shall be liable or accountable, directly or indirectly, including by way of indemnification, contribution, assessment or otherwise, for any debts, obligations and liabilities of, or chargeable to, the partnership or each other, whether in tort, contract or otherwise, which are incurred, created or assumed by such partnership while the partnership is a registered limited liability partnership.

3. Subsection 2 of this section shall not affect the liability of a partner in a registered limited liability partnership for the partner's own negligence, wrongful acts, omissions, misconduct or malpractice [or that of any person under the partner's direct supervision and control] or the partner's liability for any taxes or fees administered by the department of revenue pursuant to chapter 143, 144 or 301, RSMo, and any liabilities owed as determined by the division of employment security, pursuant to chapter 288, RSMo, and any local taxes provided for in section 32.087, RSMo.

4. A partner is not a proper party to a proceeding by or against a registered limited liability partnership, the object of which is to recover damages or enforce obligations arising out of acts, omissions, malpractice or misconduct of the type described in subsection 2 of this section, unless the partner is personally liable pursuant to subsection 1 or 3 of this section.

5. A registered limited liability partnership may sue and be sued in its own name.

6. Venue of claims against registered limited liability partnerships shall be controlled pursuant to section 508.010, RSMo, and, for purposes of venue, a registered limited liability partnership shall be deemed to be a citizen and resident of the county in which it has any office

or agent for the transaction of its usual and customary business activities or in which its registered office or registered agent is located.

7. Service of process upon a registered limited liability partnership may be had by delivering a copy of the summons and petition to the partnership's registered agent, a partner, managing or general agent or by leaving the copies at any business office of the registered limited liability partnership with the person having charge thereof.

**358.520. MERGER OR CONSOLIDATION OF A DOMESTIC GENERAL PARTNERSHIP, AUTHORIZATION. — 1. Pursuant to an agreement of merger or consolidation, a domestic general partnership may merge or consolidate with or into one or more general partnerships formed under the laws of this state or any other jurisdiction, with such general partnership as the agreement shall provide being the surviving or resulting general partnership. A domestic general partnership may merge or consolidate with [or into] one or more domestic or foreign limited [general] partnerships [or domestic or foreign limited partnerships, limited liability companies, trusts, business trusts, corporations, real estate investment trusts and other associations or business entities], limited liability companies, trusts, business trusts, corporations, real estate investment trusts and other associations or business entities at least one of which is not a general partnership, as provided in sections 347.700 to 347.735, RSMo.**

**2. The agreement of merger or consolidation shall be approved by the number or percentage of partners specified in the partnership agreement. If the partnership agreement fails to specify the required partner approval for merger or consolidation of the general partnership, then the agreement of merger or consolidation shall be approved by that number or percentage of partners specified by the partnership agreement to approve an amendment to the partnership agreement. However, if the merger effects a change for which the partnership agreement requires a greater number or percentage of partners than that required to amend the partnership agreement, then the merger or consolidation shall be approved by that greater number or percentage. If the partnership agreement contains no provision specifying the vote required to amend the partnership agreement, then the agreement of merger must be approved by all the partners.**

**3. In the case of a merger or consolidation of one or more domestic partnerships into a surviving partnership, the surviving partnership shall file articles of merger or consolidation with the secretary of state setting forth:**

- (1) The name of each party to the merger or consolidation;**
  - (2) The effective date of the merger or consolidation which shall be the date the articles of merger or consolidation are filed with the secretary of state or on a later date set forth in the articles of merger or consolidation not to exceed ninety days after the filing date;**
  - (3) The name of the surviving partnership in a merger or the new partnership in a consolidation and the state of its formation;**
  - (4) A statement that the merger or consolidation was authorized and approved by the partners of each party to the merger or consolidation in accordance with the laws of the jurisdiction where it was organized;**
  - (5) If applicable, the address of the registered office and the name of the registered agent at such office for the surviving or new partnership;**
  - (6) A statement that the executed agreement of merger or consolidation is on file at the principal place of business of the surviving or new partnership, stating the address of such place of business; and**
  - (7) A statement that a copy of the agreement of merger or consolidation will be furnished by the surviving or new partnership, on request and without cost, to any partner of any entity that is a party to the merger or consolidation.**
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4. The certificate of merger or consolidation shall be executed by at least one general partner of each domestic partnership and one authorized agent, or its equivalent, for the other party to the merger or consolidation who is duly authorized to execute such notice.

5. If, following a merger or consolidation of one or more domestic partnerships and one or more partnerships formed under the laws of any state, the surviving or resulting partnership is not a domestic partnership, there shall be attached to the articles of merger or consolidation filed pursuant to subsection 3 of this section a certificate executed by the surviving or resulting partnership, stating that such surviving or resulting partnership may be served with process in this state in any action, suit or proceeding for the enforcement of any obligation of such domestic partnership, irrevocably appointing the secretary of state as such surviving or resulting partnership's agent to accept service of process in any such action, suit or proceeding and specifying the address to which a copy of such process shall be mailed to such surviving or resulting partnership to the secretary of state.

6. When the articles of merger or consolidation required by subsection 3 of this section shall have become effective, for all purposes of the laws of this state, all the rights, privileges, franchises and powers of each of the partnerships that have merged or consolidated, and all property, real, personal, and mixed, and all debts due to any of such partnerships, as well as all other things and causes of action belonging to each of such partnerships shall be vested in the surviving or resulting partnership, and shall thereafter be the property of the surviving or resulting partnership as they were of each of the partnerships that have merged or consolidated, and the title to any real property vested by deed or otherwise, under the laws of this state, in any such partnerships, shall not revert or be in any way impaired by reason of this section; but all rights of creditors and all liens upon any property of any such partnerships shall be preserved unimpaired, and all debts, liabilities and duties of each of the partnerships that have merged or consolidated shall thenceforth attach to the surviving or resulting partnership, and may be enforced against such surviving or resulting partnership to the same extent as if such debts, liabilities, and duties had been incurred or contracted by such surviving or resulting partnership.

**359.165. MERGER OF DOMESTIC LIMITED PARTNERSHIP — FILING REQUIRED, EFFECTIVE DATE — ARTICLES OF MERGER OR CONSOLIDATION REQUIRED, WHEN, CONTENTS, SECRETARY OF STATE AGENT FOR SERVICE OF PROCESS — EFFECT OF MERGER.** — 1. Pursuant to an agreement of merger or consolidation, a domestic limited partnership may merge or consolidate with or into one or more limited partnerships formed under the laws of this state or any other jurisdiction, with such limited partnership as the agreement shall provide being the surviving or resulting limited partnership. A domestic limited partnership may merge or consolidate with one or more domestic or foreign general partnerships, limited liability companies, trusts, business trusts, corporations, real estate investment trusts and other associations or business entities at least one of which is not a limited partnership, as provided in sections 347.700 to 347.735, RSMo.

2. The agreement of merger or consolidation shall be approved by the number or percentage of general and limited partners specified in the partnership agreement. If the partnership agreement fails to specify the required partner approval for merger or consolidation of the limited partnership, then the agreement of merger or consolidation shall be approved by that number or percentage of general and limited partners specified by the partnership agreement to approve an amendment to the partnership agreement. However, if the merger effects a change for which the partnership agreement requires a greater number or percentage of general and limited partners than that required to amend the partnership agreement, then the merger or consolidation shall be approved by that greater number or percentage. If the partnership agreement contains no provision

**specifying the vote required to amend the partnership agreement, then the agreement of merger must be approved by all the general and limited partners.**

[2.] **3.** In the case of a merger or consolidation of one or more domestic limited partnerships into a surviving limited partnership, the surviving limited partnership shall file articles of merger or consolidation with the secretary of state setting forth:

- (1) The name of each party to the merger or consolidation;
- (2) The effective date of the merger or consolidation which shall be the date the articles of merger or consolidation are filed with the secretary or on a later date set forth in the articles of merger or consolidation not to exceed ninety days after the filing date;
- (3) The name of the surviving limited partnership in a merger or the new limited partnership in a consolidation and the state of its formation;
- (4) A statement that the merger or consolidation was authorized and approved by the partners of each party to the merger or consolidation in accordance with the laws of the jurisdiction where it was organized;
- (5) If applicable, the address of the registered office and the name of the registered agent at such office for the surviving or new limited partnership;
- (6) In the case of a merger in which a domestic limited partnership is the surviving entity, such amendments or changes to the certificate of limited partnership of the surviving limited partnership as are desired to be effected by the merger, or, if no such amendments or changes are desired, a statement that the certificate of limited partnership of the surviving limited partnership shall not be amended or changed as a result of the merger;
- (7) In the case of a consolidation in which a domestic limited partnership is the continuing limited partnership, the certificate of limited partnership of the new domestic limited partnership shall be set forth in an attachment to the certificate of consolidation;
- (8) A statement that the executed agreement of merger or consolidation is on file at the principal place of business of the surviving or new limited partnership, stating the address of such place of business; and
- (9) A statement that a copy of the agreement of merger or consolidation will be furnished by the surviving or new limited partnership, on request and without cost, to any partner of any entity that is a party to the merger or consolidation.

[3.] **4.** The certificate of merger or consolidation shall be executed by at least one general partner of each domestic limited partnership and one authorized agent, or its equivalent, for the other party to the merger or consolidation who is duly authorized to execute such notice.

[4.] **5.** In the case of a merger of one or more domestic limited partnerships into a surviving limited partnership, the certificate of limited partnership of the surviving domestic limited partnership shall be amended to the extent provided in the articles of merger and the certificates of limited partnership of each other domestic limited partnership shall be deemed canceled by the filing of the articles of merger with the secretary of state.

[5.] **6.** If, following a merger or consolidation of one or more domestic limited partnerships and one or more limited partnerships formed under the laws of any state, the surviving or resulting limited partnership is not a domestic limited partnership, there shall be attached to the articles of merger or consolidation filed pursuant to subsection [2] **3** of this section a certificate executed by the surviving or resulting limited partnership, stating that such surviving or resulting limited partnership may be served with process in this state in any action, suit or proceeding for the enforcement of any obligation of such domestic limited partnership, irrevocably appointing the secretary of state as such surviving or resulting limited partnership's agent to accept service of process in any such action, suit or proceeding and specifying the address to which a copy of such process shall be mailed to such surviving or resulting limited partnership to the secretary of state.

[6.] **7.** When the articles of merger or consolidation required by subsection [2] **3** of this section shall have become effective, for all purposes of the laws of this state, all of the rights, privileges, franchises and powers of each of the limited partnerships that have merged or

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consolidated, and all property, real, personal and mixed, and all debts due to any of such limited partnerships, as well as all other things and causes of action belonging to each of such limited partnerships shall be vested in the surviving or resulting limited partnership, and shall thereafter be the property of the surviving or resulting limited partnership as they were of each of the limited partnerships that have merged or consolidated, and the title to any real property vested by deed or otherwise, under the laws of this state, in any such limited partnerships, shall not revert or be in any way impaired by reason of this section; but all rights of creditors and all liens upon any property of any of such limited partnerships shall be preserved unimpaired, and all debts, liabilities and duties of each of the limited partnerships that have merged or consolidated shall thenceforth attach to the surviving or resulting limited partnership, and may be enforced against such surviving or resulting limited partnership to the same extent as if such debts, liabilities and duties had been incurred or contracted by such surviving or resulting limited partnership.

Approved July 3, 2003

### SB 399 [HCS SB 399]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Expands the crime of delivering any controlled substances to prisons, city & county jails, and private prisons & jails.**

AN ACT to repeal section 217.360, RSMo, and to enact in lieu thereof one new section relating to delivery or concealment of controlled substances in city or county jails, with penalty provisions.

#### SECTION

- A. Enacting clause.
- 217.360. Delivery or concealment of controlled substances, liquor or prohibited articles on premises of any correctional center or city, county or private jail, penalties — expungement of records for certain violations, procedure.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 217.360, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 217.360, to read as follows:

**217.360. DELIVERY OR CONCEALMENT OF CONTROLLED SUBSTANCES, LIQUOR OR PROHIBITED ARTICLES ON PREMISES OF ANY CORRECTIONAL CENTER OR CITY, COUNTY OR PRIVATE JAIL, PENALTIES — EXPUNGEMENT OF RECORDS FOR CERTAIN VIOLATIONS, PROCEDURE.** — 1. It shall be an offense for any person to knowingly deliver, attempt to deliver, have in his possession, deposit or conceal in or about the premises of any correctional center, **or city or county jail, or private prison or jail:**

- (1) Any controlled substance as that term is defined by law, except upon the written prescription of a licensed physician, dentist, or veterinarian;
- (2) Any other alkaloid of any controlled substance, any spirituous or malt liquor, or any intoxicating liquor as defined in section 311.020, RSMo;
- (3) Any article or item of personal property which an offender is prohibited by law or by rule and regulation of the division from receiving or possessing;

(4) Any gun, knife, weapon, or other article or item of personal property that may be used in such manner as to endanger the safety or security of the correctional center, **or city or county jail, or private prison or jail** or as to endanger the life or limb of any offender or employee of such a center.

2. The violation of subdivision (1) of subsection 1 of this section shall be a class C felony; the violation of subdivision (2) of subsection 1 of this section shall be a class D felony; the violation of subdivision (3) of subsection 1 of this section shall be a class A misdemeanor; and the violation of subdivision (4) of subsection 1 of this section shall be a class B felony.

3. Any person who has been found guilty of or has pled guilty to a violation of subdivision (2) of subsection 1 of this section involving any alkaloid shall be entitled to expungement of the record of the violation. The procedure to expunge the record shall be pursuant to section 610.123, RSMo. The record of any person shall not be expunged if such person has been found guilty of or has pled guilty to knowingly delivering, attempting to deliver, having in his possession, or depositing or concealing any alkaloid of any controlled substance in or about the premises of any correctional center, **or city or county jail, or private prison or jail**.

Approved July 11, 2003

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#### SB 407 [CCS HCS SB 407]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

#### **Modifies the requirements for health insurance coverage of clinical trials.**

AN ACT to repeal section 376.429, RSMo, and to enact in lieu thereof one new section relating to health insurance coverage for cancer.

#### SECTION

A. Enacting clause.

376.429. Coverage for certain clinical trials for prevention, early detection and treatment of cancer, restrictions — definitions — exclusions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 376.429, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 376.429, to read as follows:

#### **376.429. COVERAGE FOR CERTAIN CLINICAL TRIALS FOR PREVENTION, EARLY DETECTION AND TREATMENT OF CANCER, RESTRICTIONS — DEFINITIONS — EXCLUSIONS.**

— 1. All health benefit plans, as defined in section 376.1350, that are delivered, issued for delivery, continued or renewed on or after August 28, 2002, and providing coverage to any resident of this state shall provide coverage for routine patient care costs as defined in subsection 6 of this section incurred as the result of phase III or IV of a clinical trial that is approved by an entity listed in subsection 4 of this section and is undertaken for the purposes of the prevention, early detection, or treatment of cancer.

2. In the case of treatment under a clinical trial, the treating facility and personnel must have the expertise and training to provide the treatment and treat a sufficient volume of patients. There must be equal to or superior, noninvestigational treatment alternatives and the available clinical or preclinical data must provide a reasonable expectation that the treatment will be superior to the noninvestigational alternatives.

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3. Coverage required by this section shall include coverage for routine patient care costs incurred for drugs and devices that have been approved for sale by the Food and Drug Administration (FDA), regardless of whether approved by the FDA for use in treating the patient's particular condition, including coverage for reasonable and medically necessary services needed to administer the drug or use the device under evaluation in the clinical trial.

4. Subsections 1 and 2 of this section requiring coverage for routine patient care costs shall apply to clinical trials that are approved or funded by one of the following entities:

- (1) One of the National Institutes of Health (NIH);
- (2) An NIH cooperative group or center as defined in subsection 6 of this section;
- (3) The FDA in the form of an investigational new drug application;
- (4) The federal Departments of Veterans' Affairs or Defense;
- (5) An institutional review board in this state that has an appropriate assurance approved by the Department of Health and Human Services assuring compliance with and implementation of regulations for the protection of human subjects (45 CFR 46); or
- (6) A qualified research entity that meets the criteria for NIH Center support grant eligibility.

5. An entity seeking coverage for treatment, prevention, or early detection in a clinical trial approved by an institutional review board under subdivision (5) of subsection 4 of this section shall maintain and post electronically a list of the clinical trials meeting the requirements of subsections 2 and 3 of this section. This list shall include: the phase for which the clinical trial is approved; the entity approving the trial; [whether the trial is for the treatment of cancer or other serious or life-threatening disease, and if not cancer,] the particular disease; and the number of participants in the trial. If the electronic posting is not practical, the entity seeking coverage shall periodically provide payers and providers in the state with a written list of trials providing the information required in this section.

6. As used in this section, the following terms shall mean:

- (1) "Cooperative group", a formal network of facilities that collaborate on research projects and have an established NIH-approved Peer Review Program operating within the group, including the NCI Clinical Cooperative Group and the NCI Community Clinical Oncology Program;
- (2) "Multiple project assurance contract", a contract between an institution and the federal Department of Health and Human Services (DHHS) that defines the relationship of the institution to the DHHS and sets out the responsibilities of the institution and the procedures that will be used by the institution to protect human subjects;
- (3) "Routine patient care costs", shall include coverage for reasonable and medically necessary services needed to administer the drug or device under evaluation in the clinical trial. Routine patient care costs include all items and services that are otherwise generally available to a qualified individual that are provided in the clinical trial except:
  - (a) The investigational item or service itself;
  - (b) Items and services provided solely to satisfy data collection and analysis needs and that are not used in the direct clinical management of the patient; and
  - (c) Items and services customarily provided by the research sponsors free of charge for any enrollee in the trial.

7. For the purpose of this section, providers participating in clinical trials shall obtain a patient's informed consent for participation on the clinical trial in a manner that is consistent with current legal and ethical standards. Such documents shall be made available to the health insurer upon request.

8. The provisions of this section shall not apply to a policy, plan or contract paid under Title XVIII or Title XIX of the Social Security Act.

**9. Nothing in this section shall apply to any accident-only policy, specified disease policy, hospital indemnity policy, Medicare supplement policy, long-term care policy,**

short-term major medical policy of six months or less duration, or other limited benefit health insurance policies.

Approved July 1, 2003

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SB 423 [SB 423]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Designates a portion of Highway 65 in Taney County as the "Trooper Jimmie Linegar Memorial Highway".**

AN ACT to amend chapter 227, RSMo, by adding thereto two new sections relating to designation of certain highways.

SECTION

A. Enacting clause.

227.331. Trooper Jimmie Linegar Memorial Highway, portion of U.S. Highway 65 in Taney County designated as.

227.343. The Short Line Railroad Spur Historic Trail, portion of state route 19 in Ozark County designated as.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 227, RSMo, is amended by adding thereto two new sections, to be known as sections 227.331 and 227.343, to read as follows:

**227.331. TROOPER JIMMIE LINEGAR MEMORIAL HIGHWAY, PORTION OF U.S. HIGHWAY 65 IN TANEY COUNTY DESIGNATED AS.** — The portion of United States Highway 65 within a county of the first classification with more than thirty-nine thousand seven hundred but less than thirty-nine thousand eight hundred inhabitants from Highway 265 South to the border with the state of Arkansas shall be designated the "Trooper Jimmie Linegar Memorial Highway".

**227.343. THE SHORT LINE RAILROAD SPUR HISTORIC TRAIL, PORTION OF STATE ROUTE 19 IN OZARK COUNTY DESIGNATED AS.** — The portion of state route 19 from New London, Missouri, southwest to its intersection with state route 154, then west to Perry, Missouri, all located within a county of the third classification without a township form of government and with more than nine thousand five hundred fifty but less than nine thousand six hundred fifty inhabitants, shall be designated "The Short Line Railroad Spur Historic Trail".

Approved July 11, 2003

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SB 426 [SB 426]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Modifies time state employees may receive paid leave for volunteering as a Red Cross disaster service volunteer.**

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AN ACT to repeal section 105.267, RSMo, and to enact in lieu thereof one new section relating to public officers and employees.

SECTION

A. Enacting clause.

105.267. Red Cross volunteers granted leave during disasters — procedure — definition — additional employees granted leave, when.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 105.267, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 105.267, to read as follows:

**105.267. RED CROSS VOLUNTEERS GRANTED LEAVE DURING DISASTERS — PROCEDURE — DEFINITION — ADDITIONAL EMPLOYEES GRANTED LEAVE, WHEN.** — 1. Except as otherwise provided in this subsection, any employee of an agency of the state of Missouri, who has been certified by the American Red Cross as a disaster service volunteer, may be granted leave from work with pay to participate in specialized disaster relief services for the American Red Cross, not to exceed a total of twenty-five full-time equivalent state employees for a total of [fifteen calendar days] **one hundred twenty work hours** in any fiscal year for each full-time equivalent employee. The employee shall be released from work to participate in specialized disaster relief services upon request from an authorized representative of the American Red Cross for such employee and upon the approval of such employee's appointing authority. The appointing authority shall compensate an employee granted leave pursuant to this section at the employee's regular rate of pay for regular work hours during which the employee is absent from the employee's regular place of employment for the state of Missouri. Any leave granted pursuant to this section shall not affect the employee's leave status.

2. Before any payment of salary is made covering the period of the leave, the authorized representative of the American Red Cross shall file with the appointing authority or supervising agency evidence that such employee participated in specialized disaster relief services during the time such leave pay is granted.

3. No certified disaster service volunteer shall be discharged from employment because of such person's status as a certified disaster service volunteer nor shall such employee be discriminated against or dissuaded from volunteering or continuing such service as a certified disaster relief volunteer. For the purposes of this section, the term "certified disaster volunteer" means a person who has completed the necessary training for, and has been certified as, a disaster service specialist by the American Red Cross.

4. Upon written order of the governor, additional employees, not to exceed twenty-five full-time equivalent state employees, may be granted leave pursuant to this section to participate in specialized disaster relief services for disasters occurring within this state.

Approved July 11, 2003

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SB 431 [SB 431]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Modifies the law relating to informed consent for experimental treatments by accredited teaching hospitals.**

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AN ACT to repeal section 431.064, RSMo, and to enact in lieu thereof one new section relating to consent for experimental treatments.

SECTION

A. Enacting clause.

431.064. Experimental treatment, tests, and drugs, consent to administer by third party.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 431.064, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 431.064, to read as follows:

**431.064. EXPERIMENTAL TREATMENT, TESTS, AND DRUGS, CONSENT TO ADMINISTER BY THIRD PARTY.** — 1. When an adult person, because of a medical condition, is treated [at] **by** a teaching hospital for a medical school accredited by the American Osteopathic Association or the American Medical Association and such person is incapable of giving informed consent for an experimental treatment, test or drug, then such treatment, test or drug may proceed upon obtaining consent of a legal guardian, attorney in fact, or a family member in the following order of priority:

(1) Spouse unless the patient has no spouse, or is separated, or the spouse is physically or mentally incapable of giving consent, or the spouse's whereabouts is unknown or the spouse is overseas;

(2) Adult child;

(3) Parent;

(4) Brother or sister;

(5) Relative by blood or marriage.

2. Nothing in this section shall authorize such legal guardian, attorney in fact, or family member to consent to treatment in contravention to such incapacitated person's expressed permission regarding such treatment.

Approved July 9, 2003

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SB 447 [SCS SB 447]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Creates the basic civil legal services fund.**

AN ACT to amend chapters 477 and 488, RSMo, by adding thereto two new sections relating to the basic civil legal services fund, with an expiration date.

SECTION

A. Enacting clause.

477.650. Basic civil legal services fund created, moneys to be used to increase funding for legal services to eligible low-income persons — allocation of moneys — record-keeping requirements — report to general assembly.

488.031. Additional fees for civil and criminal actions and proceedings, collection of.

B. Expiration date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapters 477 and 488, RSMo, are amended by adding thereto two new sections, to be known as sections 477.650 and 488.031, to read as follows:

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**477.650. BASIC CIVIL LEGAL SERVICES FUND CREATED, MONEYS TO BE USED TO INCREASE FUNDING FOR LEGAL SERVICES TO ELIGIBLE LOW-INCOME PERSONS — ALLOCATION OF MONEYS — RECORD-KEEPING REQUIREMENTS — REPORT TO GENERAL ASSEMBLY. — 1.** There is hereby created in the state treasury the "Basic Civil Legal Services Fund", to be administered by, or under the direction of, the Missouri supreme court. All moneys collected pursuant to section 488.031, RSMo, shall be credited to the fund. In addition to the court filing surcharges, funds from other public or private sources also may be deposited into the fund and all earnings of the fund shall be credited to the fund. The purpose of this section is to increase the funding available for basic civil legal services to eligible low-income persons as such persons are defined by the Federal Legal Services' Corporation Income Eligibility Guidelines.

2. Funds in the basic civil legal services fund shall be allocated annually and expended to provide legal representation to eligible low-income persons in the state in civil matters. Moneys, funds, or payments paid to the credit of the basic civil legal services fund shall, at least as often as annually, be distributed to the legal services organizations in this state which qualify for federal legal services corporation funding. The funds so distributed shall be used by legal services organizations in this state solely to provide legal services to eligible low-income persons as such persons are defined by the Federal Legal Services' Corporation Income Eligibility Guidelines. Fund money shall be subject to all restrictions imposed on such legal services organizations by law. Funds shall be allocated to the programs according to the funding formula employed by the legal services corporation for the distribution of funds to this state. Notwithstanding the provisions of section 33.080, RSMo, any balance remaining in the basic civil legal services fund at the end of any year shall not be transferred to the state's general revenue fund. Moneys in the basic civil legal services fund shall not be used to pay any portion of a refund mandated by article X, section 15 of the Missouri Constitution.

3. The Missouri supreme court, or a person or organization designated by the court, is the administrator and shall administer the fund in such manner as determined by the Missouri supreme court, including in accordance with any rules and policies adopted by the Missouri supreme court for such purpose. Moneys from the fund shall be used to pay for the collection of the fee and the implementation and administration of the fund.

4. Each recipient of funds from the basic civil legal services fund shall maintain appropriate records accounting for the receipt and expenditure of all funds distributed and received pursuant to this section. These records must be maintained for a period of five years from the close of the fiscal year in which such funds are distributed or received or until audited, whichever is sooner. All funds distributed or received pursuant to this section are subject to audit by the Missouri supreme court or the state auditor.

5. The Missouri supreme court, or a person or organization designated by the court, shall, by January 31st of each year, report to the general assembly on the moneys collected and disbursed pursuant to this act by judicial circuit.

**488.031. ADDITIONAL FEES FOR CIVIL AND CRIMINAL ACTIONS AND PROCEEDINGS, COLLECTION OF. — 1.** In addition to other fees authorized by law, the clerk of each court shall collect the following fees on the filing of any civil or criminal action or proceeding, including an appeal, except that no fee shall be imposed pursuant to this section on any case that is filed charging traffic violations except alcohol-related offenses:

Supreme court and courts of appeals	\$20.00;
Circuit courts	\$10.00;
Associate circuit courts	\$8.00; and
Small claims courts	No additional fee

2. Court filing surcharges pursuant to this section shall be collected in the same manner as other fees, fines, or costs in the case. The amounts so collected shall be paid by

the clerk to the office of the state courts administrator and credited to the special fund designated as the basic civil legal services fund. However, the additional fees prescribed by this section shall not be collected when a criminal proceeding or defendant has been dismissed by the court or when costs are waived or are to be paid by the state, county, municipality, or other political subdivision of this state.

**SECTION B. EXPIRATION DATE.** — The provisions of sections 477.650 and 488.031, RSMo, shall expire on December 31, 2007.

Approved July 11, 2003

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SB 448 [CCS HCS SB 448]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Extends sunset for statewide court automation fund.**

AN ACT to repeal section 476.055, RSMo, and to enact in lieu thereof one new section relating to the statewide court automation fund, with penalty provisions and an expiration date.

**SECTION**

A. Enacting clause.

476.055. Statewide court automation fund created, administration, committee, members — powers, duties, limitation — unauthorized release of information, penalty — report, committee, costs — expiration date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 476.055, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 476.055, to read as follows:

**476.055. STATEWIDE COURT AUTOMATION FUND CREATED, ADMINISTRATION, COMMITTEE, MEMBERS — POWERS, DUTIES, LIMITATION — UNAUTHORIZED RELEASE OF INFORMATION, PENALTY — REPORT, COMMITTEE, COSTS — EXPIRATION DATE.** — 1. There is hereby established in the state treasury the "Statewide Court Automation Fund". All moneys collected pursuant to section [476.053] **488.027, RSMo**, as well as gifts, contributions, devises, bequests, and grants received relating to automation of judicial record keeping, and moneys received by the judicial system for the dissemination of information and sales of publications developed relating to automation of judicial record keeping, shall be credited to the fund. Moneys credited to this fund may only be used for the purposes set forth in this section and as appropriated by the general assembly. Any unexpended balance remaining in the statewide court automation fund at the end of each biennium shall not be subject to the provisions of section 33.080, RSMo, requiring the transfer of such unexpended balance to general revenue; except that, any unexpended balance remaining in the fund on September 1, [2004] **2009**, shall be transferred to general revenue.

2. The statewide court automation fund shall be administered by a court automation committee consisting of the following: the chief justice of the supreme court, a judge from the court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit court, the commissioner of administration, two members of the house of representatives appointed by the speaker of the house, two members of the senate appointed by the president pro tem of the senate and two members of the Missouri Bar. The judge members and employee

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members shall be appointed by the chief justice. The commissioner of administration shall serve ex officio. The members of the Missouri Bar shall be appointed by the board of governors of the Missouri Bar. Any member of the committee may designate another person to serve on the committee in place of the committee member.

3. The committee shall develop and implement a plan for a statewide court automation system. The committee shall have the authority to hire consultants, review systems in other jurisdictions and purchase goods and services to administer the provisions of this section. The committee may implement one or more pilot projects in the state for the purposes of determining the feasibility of developing and implementing such plan. The members of the committee shall be reimbursed from the court automation fund for their actual expenses in performing their official duties on the committee.

4. Any purchase of computer software or computer hardware that exceeds five thousand dollars shall be made pursuant to the requirements of the office of administration for lowest and best bid. Such bids shall be subject to acceptance by the office of administration. The court automation committee shall determine the specifications for such bids.

5. The court automation committee shall not require any circuit court to change any operating system in such court, unless the committee provides all necessary personnel, funds and equipment necessary to effectuate the required changes. No judicial circuit or county may be reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or county has the approval of the court automation committee prior to incurring the specific cost.

6. Any court automation system, including any pilot project, shall be implemented, operated and maintained in accordance with strict standards for the security and privacy of confidential judicial records. Any person who knowingly releases information from a confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing that a judicial record is confidential, uses information from such confidential record for financial gain is guilty of a class D felony.

7. On the first day of February, May, August and November of each year, the court automation committee shall file a report on the progress of the statewide automation system with the joint legislative committee on court automation. Such committee shall consist of the following:

- (1) The chair of the house budget committee;
- (2) The chair of the senate appropriations committee;
- (3) The chair of the house judiciary committee;
- (4) The chair of the senate judiciary committee;
- (5) One member of the minority party of the house appointed by the speaker of the house of representatives; and
- (6) One member of the minority party of the senate appointed by the president pro tempore of the senate.

8. The members of the joint legislative committee shall be reimbursed from the court automation fund for their actual expenses incurred in the performance of their official duties as members of the joint legislative committee on court automation.

9. Section [476.053] **488.027, RSMo**, shall expire on September 1, [2004] **2009**. The court automation committee established pursuant to this section may continue to function until completion of its duties prescribed by this section, but shall complete its duties prior to September 1, [2007] **2011**.

10. This section shall expire on September 1, [2007] **2011**.

Approved July 3, 2003

## SB 456 [SB 456]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Allows a self-directed deferred retirement plan program for the St. Louis Firefighters Retirement System.**

AN ACT to repeal section 87.182, RSMo, and to enact in lieu thereof one new section relating to firemen's retirement systems, with an emergency clause.

**SECTION**

- A. Enacting clause.
- 87.182. Deferred retirement option plan, may include self-directed program, established — procedures — election to stop participation, how — death, effect of — interest earned.
- B. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 87.182, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 87.182, to read as follows:

**87.182. DEFERRED RETIREMENT OPTION PLAN, MAY INCLUDE SELF-DIRECTED PROGRAM, ESTABLISHED — PROCEDURES — ELECTION TO STOP PARTICIPATION, HOW — DEATH, EFFECT OF — INTEREST EARNED.** — 1. The board may develop and establish a deferred retirement plan program (DROP) **which may include a self-directed program**, in which members eligible for retirement may participate. The DROP program shall be designed to allow members with at least twenty years of creditable service who have achieved eligibility for retirement and receipt of a service retirement allowance to continue active employment and defer receipt of the retirement allowance for a period not to exceed five years. Any member who has at least twenty years of creditable service may elect in writing before retirement to participate in the DROP program. A member electing to participate in the DROP program shall continue in active employment and shall not receive any direct retirement allowance payments during the time of participation. Upon the start of participation in the DROP program, the member shall make the contributions as provided in section 87.295. No contribution shall be required by the city. During the period of participation in the DROP program, the amount that the member would have received as a service retirement allowance shall be deposited monthly in the member's DROP account which shall be established in his or her name by the board. Service earned during the period of participation in the DROP program shall not be creditable service and shall not be counted in determination of any service retirement allowance.

2. If a member who has elected to participate in the DROP program chooses to stop participation in the DROP program, he or she shall notify the board in writing. Upon receipt of notice of a member's desire to end participation in the DROP program, the board shall return the member to non-DROP participation status and both the member and the city shall make the contributions required by sections 87.120 to 87.370. Service rendered after restoration of the member to non-DROP participation status shall be counted as creditable service. No member ending participation in the DROP program and returning to non-DROP participation status shall make any withdrawal from his or her DROP account until after termination of employment. If after return to non-DROP participation status, a member retires, the member's retirement allowance shall be computed on the combination of the member's pre-DROP service retirement allowance plus an additional allowance earned by a member after returning to non-DROP participation status. Post-DROP participation years of service will be the only years used in computing the additional allowance; however total years of creditable service will be used to

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determine the appropriate level of additional allowance, two percent or five percent, for each year of post-DROP participation service. Upon retirement the member shall receive additional benefits as provided under the provisions of sections 87.120 to 87.371 plus the amount which has accumulated in his or her DROP account. The amount in the member's DROP account shall be payable, at the member's option, either as a lump sum payment or as a periodic payment calculated according to a deferred payment plan established by the board.

3. A member who terminates employment after participation in the DROP program may withdraw any amount in his or her DROP account in a lump sum or according to a deferred payment plan established by the board at his option. If the member is eligible to receive a service retirement allowance, benefit payment shall begin at the time specified in sections 87.120 to 87.370.

4. If a member dies prior to termination of employment while participating in the DROP program, the funds in his or her DROP account shall be payable to the member's designated beneficiary under either of the following options:

(1) A lump sum payment equal to the amount in the member's DROP account shall be paid to the beneficiary or the member's estate. The benefits for a beneficiary provided under the provisions of sections 87.120 to 87.370 shall be based on the member's compensation and creditable service prior to the member's election to participate in the DROP program; or

(2) The beneficiary shall waive any right, claim or interest in the member's DROP account and any benefits payable to the beneficiary under the provisions of sections 87.120 to 87.370 shall be calculated as if the member had continued as an employee and had not elected to participate in the DROP program. Any funds in a DROP account which has been waived as provided in this subdivision shall become funds of the system.

5. If a member who has elected to participate in the DROP program subsequently applies for and receives benefits for an accidental disability retirement allowance under the provisions of section 87.205, the member shall forfeit all rights, claims or interest in his or her DROP account and the member's benefits shall be calculated as if the member had continued in employment and had not elected to participate in the DROP program. Any funds in a DROP account which has been forfeited as provided in this subsection shall become funds of the system.

6. **Except in the case of any self-directed program**, a member's DROP account shall earn interest equal to the percentage rate of return of the system's investment portfolio as certified annually by the system's actuary in the yearly evaluation report. **Except in the case of any self-directed program**, the interest shall be credited annually to the member's account beginning with the start of the second fiscal year of participation.

7. No member may elect to participate in the DROP program more than once.

**SECTION B. EMERGENCY CLAUSE.** — Because immediate action is necessary to provide equitable treatment and timely application of certain pension benefits and compensation, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved May 15, 2003

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SB 457 [SB 457]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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**Allows a position on the executive council of the judicial conference to be filled.**

AN ACT to repeal section 476.340, RSMo, and to enact in lieu thereof one new section relating to Executive Council of the Judicial Conference of the state of Missouri.

## SECTION

A. Enacting clause.

476.340. Executive council shall be governing body, how formed — members.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 476.340, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 476.340, to read as follows:

**476.340. EXECUTIVE COUNCIL SHALL BE GOVERNING BODY, HOW FORMED — MEMBERS.** — 1. The governing body of the conference, between annual sessions, shall be the executive council. The executive council shall consist of the following members:

(1) The chief justice of the supreme court, or some member of the supreme court appointed by him;

(2) Two other members of the supreme court appointed by the supreme court;

(3) One member of each district of the court of appeals elected by the judges thereof, respectively;

(4) Eight circuit judges, other than judges of the probate division, three of whom shall be elected for three-year terms, one from each district of the court of appeals, by the circuit judges, other than judges of the probate division, of the district to represent each of the districts of the court of appeals, respectively. A judge whose circuit is in part in more than one district of the court of appeals may vote in and be elected to represent either district but not both. Five of the circuit judges on the council shall be elected for three-year terms by the circuit judges of the state;

(5) One judge of the probate division of circuit courts in counties having a population of more than thirty thousand inhabitants elected for a three-year term by the judges of the probate divisions of the circuit courts in such counties;

(6) Three associate circuit judges elected for three-year terms, one from each district of the court of appeals, by the associate circuit judges of the district to represent each of the districts of the court of appeals, respectively;

(7) Three other associate circuit judges elected for three-year terms by the associate circuit judges of the state;

(8) One associate circuit judge from counties having a population of thirty thousand inhabitants or less elected for a three-year term by the associate circuit judges in such counties;

(9) One retired judge or commissioner who is a member of the judicial conference elected for a three-year term by such judges and commissioners. Members of the executive council on August 28, [1993] **2003**, shall serve out their terms and their replacements shall be elected under the provisions of this section. **Vacancies shall be filled for the unexpired term of any member as provided by resolution of the judicial conference.**

2. The executive council shall have general supervision of the work of the conference and such other duties and authority as may be given to it under rules or resolutions adopted by the conference. The members of the executive council shall elect one of its members vice president to act in the absence of the chief justice.

Approved May 30, 2003

## SB 463 [SB 463]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Increases term of director for nonprofit corporation from five to six years.**

AN ACT to repeal section 355.331 as enacted by house substitute for senate bill no. 768, eighty-eighth general assembly, second regular session, and to enact in lieu thereof one new section for the sole purpose of reenacting section 355.331 as enacted by house substitute for senate bill no. 768, eighty-eighth general assembly, second regular session which was held unconstitutional by the Missouri Supreme Court.

**SECTION**

A. Enacting clause.

355.331. Terms of directors, generally.

355.331. Terms of directors, generally.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 355.331 as enacted by house substitute for senate bill no. 768, eighty-eighth general assembly, is repealed and one new section enacted in lieu thereof, to be known as section 355.331, to read as follows:

**355.331. TERMS OF DIRECTORS, GENERALLY. — 1. The articles or bylaws shall specify the terms of directors. Except for designated or appointed directors, the terms of directors may not exceed six years. In the absence of any term specified in the articles or bylaws, the term of each director shall be one year. Directors may be elected for successive terms.**

**2. A decrease in the number of directors or term of office does not shorten an incumbent director's term.**

**3. Except as provided in the articles or bylaws:**

**(1) The term of a director filling a vacancy in the office of a director elected by members expires at the next election of directors by members; and**

**(2) The term of a director filling any other vacancy expires at the end of the unexpired term which such director is filling.**

**4. Despite the expiration of a director's term, the director continues to serve until the director's successor is elected, designated or appointed and qualifies, or until there is a decrease in the number of directors.**

**[355.331. TERMS OF DIRECTORS, GENERALLY. — 1. The articles or bylaws shall specify the terms of directors. Except for designated or appointed directors, the terms of directors may not exceed six years. In the absence of any term specified in the articles or bylaws, the term of each director shall be one year. Directors may be elected for successive terms.**

**2. A decrease in the number of directors or term of office does not shorten an incumbent director's term.**

**3. Except as provided in the articles or bylaws:**

**(1) The term of a director filling a vacancy in the office of a director elected by members expires at the next election of directors by members; and**

**(2) The term of a director filling any other vacancy expires at the end of the unexpired term which such director is filling.**

4. Despite the expiration of a director's term, the director continues to serve until the director's successor is elected, designated or appointed and qualifies, or until there is a decrease in the number of directors.]

Approved May 30, 2003

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SB 465 [HCS SB 465]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Modifies duties of judicial finance commission.**

AN ACT to repeal sections 50.640 and 477.600, RSMo, and to enact in lieu thereof two new sections relating to the judicial finance commission.

SECTION

A. Enacting clause.

50.640. Estimate of circuit court or circuit clerk, changed, how — disagreement with county, escrow account equal to difference established — resolved, how.

477.600. Judicial finance commission members, terms, vacancies, compensation — powers, duties, staff.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 50.640 and 477.600, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 50.640 and 477.600, to read as follows:

**50.640. ESTIMATE OF CIRCUIT COURT OR CIRCUIT CLERK, CHANGED, HOW — DISAGREEMENT WITH COUNTY, ESCROW ACCOUNT EQUAL TO DIFFERENCE ESTABLISHED — RESOLVED, HOW.** — 1. Except as otherwise provided in this section, all offices, departments, courts, institutions, commissions or other agencies spending moneys of the county shall perform the duties and observe the restrictions set forth in sections 50.540 to 50.630 relating to budget procedure and appropriations. The estimates of the circuit court, including all activities thereof and of the circuit clerk, shall be transmitted to the budget officer by the circuit clerk. The estimates of the circuit clerk shall bear the approval of the circuit court. The budget officer or the county commission shall not change the estimates of the circuit court or of the circuit clerk without the consent of the circuit court or the circuit clerk, respectively, but shall appropriate in the appropriation order the amounts estimated as originally submitted or as changed, with their consent.

2. If the county governing body deems the estimates of the circuit court to be unreasonable, the governing body may file a petition for review with the judicial finance commission on a form provided by the judicial finance commission after the estimates are included in the county budget. An amount equal to the difference between the estimates of the circuit court and the amounts deemed appropriate by the governing body shall be placed in a separate escrow account, and shall not be appropriated and expended until a final determination is made by the judicial finance commission under this subsection. The form provided by the judicial finance commission shall include an opportunity for the governing body and the circuit court to state their positions in a summary fashion. If a petition for review is filed, the circuit court shall have the burden of convincing the judicial finance commission that the amount estimated by it and included in the budget is reasonable. In determining if the circuit court estimate is reasonable,

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the judicial finance commission shall consider the expenditures necessary to support the circuit court in relation to the expenditures necessary for the administration of all other county functions, the actual or estimated operating deficit or surplus from prior years, all interest and debt redemption charges, all capital projects expenditures, and the total estimated available revenues from all sources available for financing the proposed expenditures. In determining the reasonableness of any budget estimate involving compensation, the judicial finance commission shall also consider compensation for county employees with similar duties, length of service and educational qualifications. The judicial finance commission shall immediately order a settlement conference to determine if the matter can be resolved before ordering briefs and oral argument. The judicial finance commission, to the maximum extent practicable, shall resolve the dispute prior to the beginning of the fiscal year in question, **however, if the dispute is submitted within ninety days of the end of the fiscal year, the commission shall resolve the dispute within ninety days of the beginning of the subsequent fiscal year.** The county governing body may file and prosecute a petition for review without representation by counsel.

**477.600. JUDICIAL FINANCE COMMISSION MEMBERS, TERMS, VACANCIES, COMPENSATION — POWERS, DUTIES, STAFF.** — 1. There is hereby created within the judicial department a "Judicial Finance Commission". The commission shall be composed of seven members appointed by the supreme court. At least one member of the commission shall be a member of a county governing body from a county of the third class, one member of the commission shall be a member of the county governing body of a county of the first class, and one member of the commission shall be a member of a county governing body from any class of county. The supreme court shall designate one member to serve as chairman and one member as vice chairman. The vice chairman shall preside in the absence of the chairman.

2. The members of the commission shall serve for terms of three years and until their successors are appointed and qualified; except that of the initial members appointed, three shall serve for terms of one year, two shall serve for terms of two years and two shall serve for terms of three years, as designated by the court.

3. If a vacancy occurs the court shall appoint a replacement. The replacement shall serve the unexpired portion of the term and may be appointed to successive terms.

4. The commission shall promulgate rules of procedure which shall become effective upon approval by the supreme court. The supreme court may adopt such other rules as it deems appropriate to govern the procedures of the commission.

5. The commission shall:

(1) Examine the budget request of the circuit court upon the petition by the county governing body as provided in section 50.640, RSMo, or any budget or item in the budget estimated by the court including, but not limited to, compensation of deputy sheriffs and assistants, as set forth in section 57.250, RSMo;

(2) Issue a written opinion addressed to the presiding circuit judge and the presiding officer of the county. The opinion shall state the conclusions of the commission as to the reasonableness of the circuit court budget request. The opinion of the commission shall state clearly the reasons for its decision. Any member of the commission who disagrees with the commission's findings may file a minority report;

(3) Maintain accurate records of the cost and expenses of the judicial and law enforcement agencies for each county;

(4) Submit an annual report to the governor, general assembly, and supreme court on the finances of the judicial department. The report shall examine both the revenues of the department and the expenses of the department. The report shall [separately report on] **include the information from all divisions of the circuit court of each county including** the circuit, **probate**, associate circuit, juvenile and municipal divisions [of the circuit court of each county]. **The information shall be reported separately except where the divisions are combined or consolidated.**

6. In discharging its responsibilities, the commission may:

(1) Conduct public hearings, take testimony, summon witnesses, and subpoena records and documents;

(2) Conduct surveys and collect data from county governments and the circuit courts on the operations of the judicial and law enforcement agencies in each county. The commission and its staff shall be granted access at any reasonable time to all books, records, and data the commission deems necessary for the administration of its duties;

(3) Within the limits of appropriations made for the purpose, appoint special committees, accept and expend grant funds, and employ consultants and others to assist the commission in its work.

7. Upon receipt of the written opinion of the commission or upon refusal of the commission to accept a petition for review, the circuit court or the county governing body may seek a review by the supreme court by filing a petition for review in the supreme court within thirty days of the receipt of the commission's opinion. If a petition for review is not filed in the supreme court, then the recommendation of the commission shall take effect notwithstanding the provisions of section 50.600, RSMo. If the commission refused to review a petition and no petition is filed in the supreme court, the circuit court budget is approved as submitted to the county governing body. The supreme court shall consider the petition for review de novo.

8. The commission shall meet as necessary at the call of the chairman or on written request of four members. Four members constitute a quorum for the transaction of business. Upon request of the chairman, the supreme court may appoint a temporary replacement for any commissioner who is unable to hear a case or who is disqualified from any case. No member of the commission shall participate in any proceeding involving the county or circuit where the member resides.

9. Members of the commission shall receive no compensation for their services but shall be reimbursed out of funds appropriated for this purpose for their actual and necessary expenses incurred in the performance of their duties.

10. The clerk of the supreme court shall provide suitable staff for the commission out of any funds appropriated for this purpose. The commission may also employ court reporters as necessary to take testimony at hearings held pursuant to section 50.640, RSMo. The reporters shall be compensated at a rate established by the commission out of any funds appropriated for this purpose.

Approved June 26, 2003

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## SB 466 [SCS SB 466]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

### **Modifies provisions relating to charges in criminal cases.**

AN ACT to repeal sections 57.290, 67.133, 488.4014, and 488.5320, RSMo, and to enact in lieu thereof three new sections relating to charges in criminal cases.

#### SECTION

A. Enacting clause.

57.290. Charges in criminal cases.

488.4014. Court costs in certain civil and criminal cases, exceptions — collection and deposit procedure — distribution — county entitled to judgment, when.

488.5320. Charges in criminal cases, sheriffs and other officers.

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67.133. Court costs in civil and nonfelony criminal cases, exceptions — collection and deposit procedure — distribution — county entitled to judgment, when.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 57.290, 67.133, 488.4014, and 488.5320, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 57.290, 488.4014, and 488.5320, to read as follows:

**57.290. CHARGES IN CRIMINAL CASES.** — 1. [Sheriffs, county marshals or other officers shall be allowed a charge for their services rendered in criminal cases and in all proceedings for contempt or attachment, as required by law, the sum of seventy-five dollars for each felony case or contempt or attachment proceeding, ten dollars for each misdemeanor case, and six dollars for each infraction, excluding cases disposed of by a traffic violations bureau established pursuant to law or supreme court rule. Such charges shall be charged and collected in the manner provided by sections 488.010 to 488.020, RSMo, and shall be payable to the county treasury.

2. The sheriff receiving any charge pursuant to subsection 1 of this section shall reimburse the sheriff of any other county or the city of St. Louis the sum of three dollars for each pleading, writ, summons, order of court or other document served in connection with the case or proceeding by the sheriff of the other county or city, and return made thereof, to the maximum amount of the total charge received pursuant to subsection 1 of this section.

3.] In cities and counties having a population of three hundred thousand inhabitants and over, each deputy sheriff, not more than two, shall be allowed for each day during the term of court six dollars, to be paid by the city or county of three hundred thousand inhabitants or over.

[4.] **2.** For the services of taking convicted offenders to the reception and diagnostic center designated by the director of the department of corrections, the sheriff, county marshal or other officers shall receive the sum of eight dollars per day for the time actually and necessarily employed in traveling to and from the reception and diagnostic center, and each guard shall receive the sum of six dollars per day for the same, and the sheriff, county marshal or other officer and guard shall receive the mileage rate prescribed by this section for the distance necessarily traveled in going to and returning from the reception and diagnostic center, the time and distance to be estimated by the most usually traveled route from the place of departure to the reception and diagnostic center; the mileage rate prescribed by this section for each mile traveled shall be allowed to the sheriff to cover all expenses on each convicted offender while being taken to the reception and diagnostic center; and all persons convicted and sentenced to imprisonment in the department of corrections at any term or sitting of the court, shall be taken to the reception and diagnostic center at the same time, unless prevented by sickness or unavoidable accident. In cities having a population of two hundred thousand inhabitants or more, convicted offenders shall be taken to the reception and diagnostic center as often as the sheriff deems necessary. When three or more convicted offenders are being taken to the reception and diagnostic center at one time, a guard may be employed, but no guard shall be employed for a less number of convicted offenders except upon the order, entered of record, of the judge of the court in which the conviction was had, and any additional guards employed by order of the judge shall, in no event, exceed one for every three convicted offenders; and before any claim for taking convicted offenders to the reception and diagnostic center is allowed, the sheriff, or other officer conveying such convicted offender, shall file with the state commissioner of administration an itemized statement of such sheriff's account, in which the sheriff shall give the name of each convicted offender conveyed and the name of each guard actually employed, with the number of miles necessarily traveled and the number of days required, which in no case shall exceed three days, and which account shall be signed and sworn to by such officer and accompanied by a certificate from the chief administrative officer or such officer's designee of the reception and diagnostic

center, that such convicted offenders have been delivered at the reception and diagnostic center and were accompanied by each of the officers and guards named in the account.

[5.] **3.** The sheriff or other officer who shall take a person, charged with a criminal offense, from the county in which the offender is apprehended to that in which the offense was committed, or who may remove a prisoner from one county to another for any cause authorized by law, or who shall have in custody or under such sheriff's or officer's charge any person undergoing an examination preparatory to such person's commitment more than one day for transporting, safekeeping and maintaining any such person, shall be allowed by the court having cognizance of the offense, three dollars and fifty cents per day for every day such sheriff or officer may have such person under such sheriff's or officer's charge, when the number of days shall exceed one, and the mileage rate prescribed by this section for every mile necessarily traveled in going to and returning from one county to another, and the guard employed, who shall in no event exceed the number allowed the sheriff, marshal or other officer in transporting convicted offenders to the reception and diagnostic center, shall be allowed the same compensation as the officer. Three dollars and fifty cents per day, mileage same as officer, shall be allowed for board and all other expenses of each prisoner. No compensation shall be allowed under this section for taking the prisoner or prisoners from one place to another in the same county, excepting in counties which have two or more courts with general criminal jurisdiction. In such counties the sheriff shall have the same fees for conveying prisoners from the jail to place of trial as are allowed for conveying prisoners in like cases from one county to another, and the expenses incurred in transporting prisoners from one county to another, occasioned by the insufficiency of the county jail or threatened mob violence, shall be paid by the county in which such case may have originated; provided that the court is held at a place more than five miles from the jail; and no court shall allow the expense of a guard, although it may have actually been incurred, unless from the evidence of disinterested persons it shall be satisfied that a guard was necessary; provided, that when the place of conviction is remote from a railroad, upon which a convicted offender may be transported to the reception and diagnostic center, the court before which such convicted offender is sentenced may, for good cause shown, allow one guard for every two convicted offenders, such guard to receive three dollars a day and the mileage rate prescribed by this section for every mile necessarily traveled in going to and returning from the nearest depot on said railroad to the place where such convicted offender was sentenced.

[6. The charges provided in subsection 1 of this section shall be taxed as other costs in criminal procedure immediately after conviction of any defendant in any criminal procedure. The clerk shall tax all the costs in the case against such defendant, which shall be collected and disbursed as provided by sections 488.010 to 488.020, RSMo; provided, that no such charge shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court; provided further, that all costs, incident to the issuing and serving of writs of scire facias and of writs of fieri facias, and of attachments for witnesses of defendant, shall in no case be paid by the state, but such costs incurred under writs of fieri facias and scire facias shall be paid by the defendant and such defendant's sureties, and costs for attachments for witnesses shall be paid by such witnesses.

7.] **4.** Mileage shall be reimbursed to sheriffs, county marshals and guards for all services rendered pursuant to this section at the rate prescribed by the Internal Revenue Service for allowable expenses for motor vehicle use expressed as an amount per mile.

**488.4014. COURT COSTS IN CERTAIN CIVIL AND CRIMINAL CASES, EXCEPTIONS — COLLECTION AND DEPOSIT PROCEDURE — DISTRIBUTION — COUNTY ENTITLED TO JUDGMENT, WHEN. — 1.** A fee of ten dollars[, as provided in section 67.133, RSMo,] shall be assessed in all cases in which the defendant is convicted of violating any provision of chapters 252, 301, 302, 304, 306, 307 and 390, RSMo, and any infraction otherwise provided by law, twenty-five dollars in all misdemeanor cases otherwise provided by law, and seventy-five dollars

in all felony cases, in criminal cases including violations of any county ordinance or any violation of a criminal or traffic law of the state, except that no such fees shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. All fees collected under the provisions of **this** section [67.133, RSMo,] shall be collected and disbursed in the manner provided by sections 488.010 to 488.020 and payable to the county treasurer who shall deposit those funds in the county treasury.

2. Counties shall be entitled to a judgment in the amount of twenty-five percent of all sums collected, pursuant to **this** section [67.133, RSMo], on recognizances given to the state in criminal cases, which are or may become forfeited, if not more than five hundred dollars, and fifteen percent of all sums over five hundred dollars, to be paid out of the amount collected.

**488.5320. CHARGES IN CRIMINAL CASES, SHERIFFS AND OTHER OFFICERS.** — 1. Sheriffs, county marshals or other officers shall be allowed a charge[, as provided in section 57.290, RSMo,] for their services rendered in criminal cases and in all proceedings for contempt or attachment, as required by law, the sum of seventy-five dollars for each felony case or contempt or attachment proceeding, ten dollars for each misdemeanor case, and six dollars for each infraction, excluding cases disposed of by a traffic violations bureau established pursuant to law or supreme court rule. Such charges shall be charged and collected in the manner provided by sections 488.010 to 488.020 and shall be payable to the county treasury.

2. The sheriff receiving any charge pursuant to [section 57.290, RSMo,] **subsection 1 of this section** shall reimburse the sheriff of any other county or the City of St. Louis the sum of three dollars for each pleading, writ, summons, order of court or other document served in connection with the case or proceeding by the sheriff of the other county or city, and return made thereof, to the maximum amount of the total charge received pursuant to [section 57.290, RSMo] **subsection 1 of this section**.

[3. As provided in section 57.290, RSMo, in cities and counties having a population of three hundred thousand inhabitants and over, each deputy sheriff, but not more than two deputy sheriffs, shall be allowed six dollars for each day during the term of court, to be paid by the city or county having a population of three hundred thousand inhabitants or over.

4. For the services of taking convicted offenders to the reception and diagnostic center designated by the director of the department of corrections, the sheriff, county marshal or other officers shall, as provided in section 57.290, RSMo, receive the sum of eight dollars per day for the time actually and necessarily employed in traveling to and from the reception and diagnostic center, and each guard shall, as provided in section 57.290, RSMo, receive the sum of six dollars per day for the same, and the sheriff, county marshal or other officer and guard shall, as provided in section 57.290, RSMo, receive the mileage rate prescribed by section 57.290, RSMo, for the distance necessarily traveled in going to and returning from the reception and diagnostic center, the time and distance to be estimated by the most usually traveled route from the place of departure to the reception and diagnostic center; the mileage rate prescribed by section 57.290, RSMo, for each mile traveled shall be allowed to the sheriff to cover all expenses on each convicted offender while being taken to the reception and diagnostic center; and all persons convicted and sentenced to imprisonment in the department of corrections at any term or sitting of the court, shall be taken to the reception and diagnostic center at the same time, unless prevented by sickness or unavoidable accident. In cities having a population of two hundred thousand inhabitants or more, convicted offenders shall be taken to the reception and diagnostic center as often as the sheriff deems necessary. When three or more convicted offenders are being taken to the reception and diagnostic center at one time, a guard may be employed, as provided in section 57.290, RSMo, but no guard shall be employed for a less number of convicted offenders except upon the order, entered of record, of the judge of the court in which the conviction was had, and any additional guards employed by order of the judge shall, in no event, exceed one for every three convicted offenders; and before any claim for taking

convicted offenders to the reception and diagnostic center is allowed, the sheriff, or other officer conveying such convicted offender, shall file with the state commissioner of administration an itemized statement of such sheriff's account, in which the sheriff shall give the name of each convicted offender conveyed and the name of each guard actually employed, with the number of miles necessarily traveled and the number of days required, which in no case shall exceed three days, and which account shall be signed and sworn to by such officer and accompanied by a certificate from the chief administrative officer or such officer's designee of the reception and diagnostic center, that such convicted offenders have been delivered at the reception and diagnostic center and were accompanied by each of the officers and guards named in the account.

5. The sheriff or other officer who shall take a person, charged with a criminal offense, from the county in which the offender is apprehended to that in which the offense was committed, or who may remove a prisoner from one county to another for any cause authorized by law, or who shall have in custody or under such sheriff's or officer's charge any person undergoing an examination preparatory to such person's commitment more than one day for transporting, safekeeping and maintaining any such person, shall be allowed by the court having cognizance of the offense, three dollars and fifty cents per day, as provided in section 57.290, RSMo, for every day such sheriff or officer may have such person under such sheriff's or officer's charge, when the number of days shall exceed one, and the mileage rate prescribed by section 57.290, RSMo, for every mile necessarily traveled in going to and returning from one county to another, and the guard employed, who shall in no event exceed the number allowed the sheriff, marshal or other officer in transporting convicted offenders to the reception and diagnostic center, shall be allowed, as provided in section 57.290, RSMo, the same compensation as the officer. Three dollars and fifty cents per day, mileage same as officer, shall be allowed for board and all other expenses of each prisoner. No compensation shall be allowed under this section for taking the prisoner or prisoners from one place to another in the same county, excepting in counties which have two or more courts with general criminal jurisdiction. In such counties the sheriff shall have the same fees for conveying prisoners from the jail to place of trial as are allowed for conveying prisoners in like cases from one county to another, and the expenses incurred in transporting prisoners from one county to another, occasioned by the insufficiency of the county jail or threatened mob violence, shall be paid by the county in which such case may have originated; provided that the court is held at a place more than five miles from the jail; and no court shall allow the expense of a guard, although it may have actually been incurred, unless from the evidence of disinterested persons it shall be satisfied that a guard was necessary; provided, that when the place of conviction is remote from a railroad, upon which a convicted offender may be transported to the reception and diagnostic center, the court before which such convicted offender is sentenced may, for good cause shown, allow one guard for every two convicted offenders, such guard to receive three dollars a day and the mileage rate prescribed by section 57.290, RSMo, for every mile necessarily traveled in going to and returning from the nearest depot on such railroad to the place where such convicted offender was sentenced.

6.] 3. The charges provided in subsection 1 of this section shall be taxed as other costs in criminal procedure immediately after conviction of any defendant in any criminal procedure. The clerk shall tax all the costs in the case against such defendant, which shall be collected and disbursed as provided by sections 488.010 to 488.020; provided, that no such charge shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court; provided further, that all costs, incident to the issuing and serving of writs of scire facias and of writs of fieri facias, and of attachments for witnesses of defendant, shall in no case be paid by the state, but such costs incurred under writs of fieri facias and scire facias shall be paid by the defendant and such defendant's sureties, and costs for attachments for witnesses shall be paid by such witnesses.

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[7.] 4. Mileage shall be reimbursed to sheriffs, county marshals and guards for all services rendered pursuant to **this** section [57.290, RSMo.] at the rate prescribed by the Internal Revenue Service for allowable expenses for motor vehicle use expressed as an amount per mile.

**[67.133. COURT COSTS IN CIVIL AND NONFELONY CRIMINAL CASES, EXCEPTIONS — COLLECTION AND DEPOSIT PROCEDURE — DISTRIBUTION — COUNTY ENTITLED TO JUDGMENT, WHEN. —** 1. A fee of ten dollars shall be assessed in all cases in which the defendant is convicted of a nonfelony violation of any provision of chapters 252, 301, 302, 304, 306, 307 and 390, RSMo, and any infraction otherwise provided by law, twenty-five dollars in all misdemeanor cases otherwise provided by law, and seventy-five dollars in all felony cases, in criminal cases including violations of any county ordinance or any violation of a criminal or traffic law of the state, except that no such fees shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. All fees collected under the provisions of this section shall be collected and disbursed in the manner provided by sections 488.010 to 488.020, RSMo, and payable to the county treasurer who shall deposit those funds in the county treasury.

2. Counties shall be entitled to a judgment in the amount of twenty-five percent of all sums collected on recognizances given to the state in criminal cases, which are or may become forfeited, if not more than five hundred dollars, and fifteen percent of all sums over five hundred dollars, to be paid out of the amount collected.]

Approved July 9, 2003

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## SB 467 [SB 467]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

### **Increases criminal case filing surcharge.**

AN ACT to repeal section 488.5339, RSMo, and to enact in lieu thereof one new section relating to a surcharge to fund the crime victims' compensation fund.

#### SECTION

- A. Enacting clause.  
488.5339. Surcharge for crime victims' compensation fund, exceptions — surcharge in juvenile court proceedings where child allegedly violates state law or municipal ordinance — disbursement.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE. —** Section 488.5339, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 488.5339, to read as follows:

**488.5339. SURCHARGE FOR CRIME VICTIMS' COMPENSATION FUND, EXCEPTIONS — SURCHARGE IN JUVENILE COURT PROCEEDINGS WHERE CHILD ALLEGEDLY VIOLATES STATE LAW OR MUNICIPAL ORDINANCE — DISBURSEMENT. —** 1. There is created in section 595.045, RSMo, the crime victims' compensation fund. A surcharge of [five] **seven dollars and fifty cents** shall be assessed pursuant to section 595.045, RSMo, as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court

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when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. A surcharge of [five] **seven dollars and fifty cents** shall be assessed pursuant to section 595.045, RSMo, as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031, RSMo.

2. Notwithstanding any other provision of law to the contrary, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020.

Approved July 11, 2003

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### SB 468 [SB 468]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

#### **Modifies types of case dispositions that must be reported to the Uniform Law Enforcement System Records.**

AN ACT to repeal sections 43.080 and 577.051, RSMo, and to enact in lieu thereof two new sections relating to the forwarding of case dispositions to the Missouri state highway patrol, with penalty provisions.

#### SECTION

- A. Enacting clause.
- 577.051. Missouri uniform law enforcement system records, information entered by highway patrol, when, made available, to whom — failure to furnish records to patrol, penalty — forms and procedure for filing records.
- A. Enacting clause.
- 43.080. Service salary increases — annual salary schedule submitted to governor and general assembly, contents — service defined.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 577.051, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 577.051, to read as follows:

**577.051. MISSOURI UNIFORM LAW ENFORCEMENT SYSTEM RECORDS, INFORMATION ENTERED BY HIGHWAY PATROL, WHEN, MADE AVAILABLE, TO WHOM — FAILURE TO FURNISH RECORDS TO PATROL, PENALTY — FORMS AND PROCEDURE FOR FILING RECORDS.** — 1. A record of the [final] disposition in any court proceeding involving a violation of any of the provisions of sections 577.005 to 577.023, or violation of county or municipal ordinances involving alcohol- or drug-related driving offenses[, pleas of guilty, findings of guilty, suspended imposition of sentence, suspended execution of sentence, probation, conditional sentences and sentences of confinement] shall be forwarded to the Missouri state highway patrol, or at the written direction of the Missouri state highway patrol, to the department of revenue, within fifteen days by the clerk of the court in which the proceeding was held and shall be entered by the highway patrol or department of revenue in the Missouri uniform law enforcement system records. **Dispositions that shall be reported are pleas of guilty, findings of guilty, suspended imposition of sentence, suspended execution of sentence, probation, conditional sentences, sentences of confinement and any other such dispositions that may be required under state or federal regulations.** The record forwarded by the clerk shall clearly show the court, the court

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case number, the name, address, and motor vehicle operator's or chauffeur's license number of the person who is the subject of the proceeding, the code or number identifying the particular arrest, and any court action or requirements pertaining thereto.

2. All records received by the Missouri state highway patrol or the department of revenue under the provisions of this section shall be entered in the Missouri uniform law enforcement system records and maintained by the Missouri state highway patrol. Records placed in the Missouri uniform law enforcement system under the provisions of this section shall be made available to any law enforcement officer in this state, any prosecuting or circuit attorney in this state, or to any judge of a municipal or state court upon request.

3. Any person required by this section to furnish records to the Missouri state highway patrol or department of revenue who willfully refuses to furnish such records shall be guilty of a class C misdemeanor.

4. Records required to be filed with the Missouri state highway patrol or the department of revenue under the provisions of sections 302.225, RSMo, and 577.001 to 577.051 shall be filed beginning July 1, 1983, and no penalties for nonfiling of records shall be applied prior to July 1, 1983.

5. Forms and procedures for filing of records with the Missouri state highway patrol or department of revenue as required in this chapter shall be promulgated by the director of the department of public safety or department of revenue, as applicable, and approved by the Missouri supreme court.

6. All record-keeping procedures required under the provisions of sections 577.005 to 577.023 shall be in accordance with this section, chapter 610, RSMo, to the contrary notwithstanding.

**SECTION A. ENACTING CLAUSE.** — Section 43.080, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 43.080, to read as follows:

**43.080. SERVICE SALARY INCREASES — ANNUAL SALARY SCHEDULE SUBMITTED TO GOVERNOR AND GENERAL ASSEMBLY, CONTENTS — SERVICE DEFINED.** — The superintendent is authorized and empowered to prescribe policies providing for increases [every five years] in the salaries of [such] members [beginning with the sixth year of service, and thereafter to fix the salaries of such members in accordance therewith, except that no such five-year increase shall exceed ten percent of the member's salary] **of the highway patrol. Each year, prior to January first, the superintendent shall submit a salary schedule report to the governor, speaker of the house of representatives, and the president pro tem of the senate. The salary schedule report prepared by the superintendent shall include, in addition to other matters deemed pertinent to the superintendent, a comparison of the salaries of police officers of the three largest police departments in the state. The governor may make additional recommendations to the report and forward them to the speaker of the house of representatives and the president pro tem of the senate. The speaker of the house of representatives and the president pro tem of the senate may assign the salary schedule report to the appropriate standing committees to review the salary comparisons to ensure that parity in the salary of members of the highway patrol and officers of the three largest police departments is maintained.** The "service" of a member of the patrol, who has served in the armed forces of the United States and who has subsequently been reinstated as a member of the patrol within ninety days after receiving a discharge other than dishonorable from the armed forces of the United States, shall be considered service with the patrol as a member of the patrol rendered since last becoming a member prior to entrance into the armed forces of the United States; except that no member shall be entitled to any credit, privilege or benefit provided by this chapter if such member voluntarily extends or participates in an extension of the period of service, whether by reenlistment, waiver of discharge, acceptance of

commission or any other action, with the armed forces beyond the period of service for which such member was originally commissioned, enlisted, inducted or called.

Approved July 11, 2003

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SB 471 [SB 471]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Modifies filing requirements for child support garnishment orders.**

AN ACT to repeal section 454.505, RSMo, and to enact in lieu thereof one new section relating to filing of garnishment orders.

SECTION

A. Enacting clause.

454.505. Garnishment of wages, when, procedure, limitations — notice to employer, contents — employer, duties, liabilities — priorities — discharge of employee prohibited, when, penalties for — orders issued by another state, laws to govern.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 454.505, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 454.505, to read as follows:

**454.505. GARNISHMENT OF WAGES, WHEN, PROCEDURE, LIMITATIONS — NOTICE TO EMPLOYER, CONTENTS — EMPLOYER, DUTIES, LIABILITIES — PRIORITIES — DISCHARGE OF EMPLOYEE PROHIBITED, WHEN, PENALTIES FOR — ORDERS ISSUED BY ANOTHER STATE, LAWS TO GOVERN.** — 1. In addition to any other remedy provided by law for the enforcement of support, if a support order has been entered, the director shall issue an order directing any employer or other payor of the parent to withhold and pay over to the division, the payment center pursuant to section 454.530 or the clerk of the circuit court in the county in which a trusteeship is or will be established, money due or to become due the obligated parent in an amount not to exceed federal wage garnishment limitations. For administrative child support orders issued pursuant to sections other than section 454.476, the director shall not issue an order to withhold and pay over in any case in which:

(1) One of the parties demonstrates, and the director finds, that there is good cause not to require immediate income withholding. For purposes of this subdivision, any finding that there is good cause not to require immediate withholding shall be based on, at least, a written determination and an explanation by the director that implementing immediate wage withholding would not be in the best interests of the child and proof of timely payments of previously ordered support in cases involving the modification of support orders; or

(2) A written agreement is reached between the parties that provides for an alternative payment arrangement. If the income of an obligor is not withheld as of the effective date of the support order, pursuant to subdivision (1) or (2) of this subsection, or otherwise, such obligor's income shall become subject to withholding pursuant to this section, without further exception, on the date on which the obligor becomes delinquent in maintenance or child support payments in an amount equal to one month's total support obligation.

2. An order entered pursuant to this section shall recite the amount required to be paid as continuing support, the amount to be paid monthly for arrearages and the Social Security number

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of the obligor if available. In addition, the order shall contain a provision that the obligor shall notify the division of child support enforcement regarding the availability of medical insurance coverage through an employer or a group plan, provide the name of the insurance provider when coverage is available, and inform the division of any change in access to such insurance coverage. A copy of section 454.460 and this section shall be appended to the order. [A copy of such order shall be filed with the circuit court in the county or city not within a county in which the judgment of dissolution or paternity was entered, or if no such judgment was entered, in the county or city not within a county where either parent or the child resides or where the order or judgment is filed or registered.]

3. An order entered pursuant to this section shall be served on the employer or other payor by certified mail, return receipt requested or may be issued through electronic means, and shall be binding on the employer or other payor two weeks after mailing or electronic issuance of such service. A copy of the order and a notice of property exempt from withholding shall be mailed to the obligor at the obligor's last known address. The notice shall advise the obligor that the withholding has commenced and the procedures to contest such withholding pursuant to section 454.475 on the grounds that such withholding or the amount withheld is improper due to a mistake of fact by requesting a hearing thirty days from mailing the notice. At such a hearing the certified copy of the court order and the sworn or certified statement of arrearages shall constitute prima facie evidence that the director's order is valid and enforceable. If a prima facie case is established, the obligor may only assert mistake of fact as a defense. For purposes of this section, "mistake of fact" means an error in the amount of the withholding or an error as to the identity of the obligor. The obligor shall have the burden of proof on such issues. The obligor may not obtain relief from the withholding by paying the overdue support. The employer or other payor shall withhold from the earnings or other income of each obligor the amount specified in the order, and may deduct an additional sum not to exceed six dollars per month as reimbursement for costs, except that the total amount withheld shall not exceed the limitations contained in the federal Consumer Credit Protection Act, 15 U.S.C. 1673(b). The employer or other payor shall transmit the payments as directed in the order within seven business days of the date the earnings, money due or other income was payable to the obligor. For purposes of this section, "business day" means a day that state offices are open for regular business. The employer or other payor shall, along with the amounts transmitted, provide the date the amount was withheld from each obligor. If the order does not contain the Social Security number of the obligor, the employer or other payor shall not be liable for withholding from the incorrect obligor.

4. If the order is served on a payor other than an employer, it shall be a lien against any money due or to become due the obligated parent which is in the possession of the payor on the date of service or which may come into the possession of the payor after service until further order of the director, except for any deposits held in two or more names in a financial institution.

5. The division shall notify an employer or other payor upon whom such an order has been directed whenever all arrearages have been paid in full, and whenever, for any other reason, the amount required to be withheld and paid over to the payment center pursuant to the order as to future pay periods is to be reduced or redirected. If the parent's support obligation is required to be paid monthly and the parent's pay periods are at more frequent intervals, the employer or other payor may, at the request of the obligee or the director, withhold and pay over to the payment center, an equal amount at each pay period cumulatively sufficient to comply with the withholding order.

6. An order issued pursuant to subsection 1 of this section shall be a continuing order and shall remain in effect and be binding upon any employer or other payor upon whom it is directed until a further order of the director. Such orders shall terminate when all children for whom the support order applies are emancipated or deceased, or the support obligation otherwise ends, and all arrearages are paid. No order to withhold shall be terminated solely because the obligor has fully paid arrearages.

7. An order issued pursuant to subsection 1 of this section shall have priority over any other legal process pursuant to state law against the same wages, except that where the other legal process is an order issued pursuant to this section or section 452.350, RSMo, the processes shall run concurrently, up to applicable wage withholding limitations. If concurrently running wage withholding processes for the collection of support obligations would cause the amounts withheld from the wages of the obligor to exceed applicable wage withholding limitations and includes a wage withholding from another state pursuant to section 454.932, the employer shall first satisfy current support obligations by dividing the amount available to be withheld among the orders on a pro rata basis using the percentages derived from the relationship each current support order amount has to the sum of all current child support obligations. Thereafter, arrearages shall be satisfied using the same pro rata distribution procedure used for distributing current support, up to the applicable limitation. If concurrently running wage withholding processes for the collection of support obligations would cause the amounts withheld from the wages of the obligor to exceed applicable wage withholding limitations and does not include a wage withholding from another state pursuant to section 454.932, the employer shall withhold and pay to the payment center an amount equal to the wage withholding limitations. The payment center shall first satisfy current support obligations by dividing the amount available to be withheld among the orders on a pro rata basis using the percentages derived from the relationship each current support order amount has to the sum of all current child support obligations. Thereafter, arrearages shall be satisfied using the same pro rata distribution procedure used for distributing current support, up to the applicable limitation.

8. No employer or other payor who complies with an order entered pursuant to this section shall be liable to the parent, or to any other person claiming rights derived from the parent, for wrongful withholding. An employer or other payor who fails or refuses to withhold or pay the amounts as ordered pursuant to this section shall be liable to the party holding the support rights in an amount equal to the amount which became due the parent during the relevant period and which, pursuant to the order, should have been withheld and paid over. The director is hereby authorized to bring an action in circuit court to determine the liability of an employer or other payor for failure to withhold or pay the amounts as ordered. If a court finds that a violation has occurred, the court may fine the employer in an amount not to exceed five hundred dollars. The court may also enter a judgment against the employer for the amounts to be withheld or paid, court costs and reasonable attorney's fees.

9. The remedy provided by this section shall be available where the state or any of its political subdivisions is the employer or other payor of the obligated parent in the same manner and to the same extent as where the employer or other payor is a private party.

10. An employer shall not discharge, or refuse to hire or otherwise discipline an employee as a result of an order to withhold and pay over certain money authorized by this section. If any such employee is discharged within thirty days of the date upon which an order to withhold and pay over certain money is to take effect, there shall arise a rebuttable presumption that such discharge was a result of such order. This presumption shall be overcome only by clear, cogent and convincing evidence produced by the employer that the employee was not terminated because of the order to withhold and pay over certain money. The director is hereby authorized to bring an action in circuit court to determine whether the discharge constitutes a violation of this subsection. If the court finds that a violation has occurred, the court may enter an order against the employer requiring reinstatement of the employee and may fine the employer in an amount not to exceed one hundred fifty dollars. Further, the court may enter judgment against the employer for the back wages, costs, attorney's fees, and for the amount of child support which should have been withheld and paid over during the period of time the employee was wrongfully discharged.

11. If an obligor for whom an order to withhold has been issued pursuant to subsection 1 of this section terminates the obligor's employment, the employer shall, within ten days of the termination, notify the division of the termination, shall provide to the division the last known

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address of the obligor, if known to the employer, and shall provide to the division the name and address of the obligor's new employer, if known. When the division determines the identity of the obligor's new employer, the director shall issue an order to the new employer as provided in subsection 1 of this section.

12. If an employer or other payor is withholding amounts for more than one order issued pursuant to subsection 1 of this section, the employer or other payor may transmit all such withholdings which are to be remitted to the same circuit clerk, other collection unit or to the payment center after October 1, 1999, as one payment together with a separate list identifying obligors for whom a withholding has been made and the amount withheld from each obligor so listed, and the withholding date or dates for each obligor.

13. For purposes of this section, "income" means any periodic form of payment due to an individual, regardless of source, including wages, salaries, commissions, bonuses, workers' compensation benefits, disability benefits, payments pursuant to a pension or a retirement program, and interest.

14. The employer shall withhold funds as directed in the notice, except if an employer receives an income withholding order issued by another state, the employer shall apply the income withholding law of the state of the obligor's principal place of employment in determining:

- (1) The employer's fee for processing an income withholding order;
- (2) The maximum amount permitted to be withheld from the obligor's income;
- (3) The time periods within which the employer shall implement the income withholding order and forward the child support payments;
- (4) The priorities for withholding and allocating income withheld for multiple child support obligees; and
- (5) Any withholding terms and conditions not specified in the order.

15. If the secretary of the Department of Health and Human Services promulgates a final standard format for an employer income withholding notice, the director shall use such notice prescribed by the secretary.

Approved June 9, 2003

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## SB 474 [HCS SB 474]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

### **Modifies surcharge procedure in civil case filings.**

AN ACT to repeal sections 488.426 and 488.429, RSMo, and to enact in lieu thereof two new sections relating to surcharges in civil case filings.

#### SECTION

- A. Enacting clause.
- 488.426. Deposit required in civil actions — exemptions — surcharge to remain in effect.
- 488.429. Fund paid to treasurer designated by circuit judge — use of fund for law library, and courtroom renovation and technology enhancement in certain counties

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 488.426 and 488.429, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 488.426 and 488.429, to read as follows:

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**488.426. DEPOSIT REQUIRED IN CIVIL ACTIONS — EXEMPTIONS — SURCHARGE TO REMAIN IN EFFECT.** — 1. The judges of the circuit court, en banc, in any circuit in this state may require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit with the clerk of the court a surcharge in addition to all other deposits required by law or court rule. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are to be paid by the county or state or any city.

2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by the circuit court. The circuit court in any circuit, except the circuit court in Jackson County may change the fee to any amount not to exceed fifteen dollars. The circuit court in Jackson County may change the fee to any amount not to exceed twenty dollars. A change in the fee shall become effective and remain in effect until further changed [beginning on January first if the office of state courts administrator is notified of the proposed change not later than the preceding September first].

3. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are paid by the county or state or any city.

**488.429. FUND PAID TO TREASURER DESIGNATED BY CIRCUIT JUDGE — USE OF FUND FOR LAW LIBRARY, AND COURTROOM RENOVATION AND TECHNOLOGY ENHANCEMENT IN CERTAIN COUNTIES** — 1. Moneys collected pursuant to section 488.426 shall be payable to the judges of the circuit court, en banc, of the county from which such surcharges were collected, or to such person as is designated by local circuit court rule as treasurer of said fund, and said fund shall be applied and expended under the direction and order of the judges of the circuit court, en banc, of any such county for the maintenance and upkeep of the law library maintained by the bar association in any such county, or such other law library in any such county as may be designated by the judges of the circuit court, en banc, of any such county; provided, that the judges of the circuit court, en banc, of any such county, and the officers of all courts of record of any such county, shall be entitled at all reasonable times to use the library to the support of which said funds are applied.

2. In any county of the first classification without a charter form of government and with a population of at least two hundred thousand, such fund may also be applied and expended for that county's or circuit's family services and justice fund.

**3. In any county of the third classification without a township form of government and with more than forty thousand eight hundred but less than forty thousand nine hundred inhabitants or in any county of the third classification without a township form of government and with more than thirteen thousand five hundred but less than thirteen thousand six hundred inhabitants, such fund may also be applied and expended for courtroom renovation and technology enhancement in those counties.**

Approved July 11, 2003

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SB 478 [SCS SB 478]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Creates inactive status for architects and psychologists and modifies duties of landscape architects.**

AN ACT to repeal sections 327.401, 327.411, and 337.030, RSMo, and to enact in lieu thereof four new sections relating to professional licensing.

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## SECTION

- A. Enacting clause.
- 327.401. Right to practice not transferable — corporation, certificate of authority required.
- 327.411. Personal seal, how used, effect of.
- 327.172. Inactive license status granted, when, procedure — return to active status, procedure.
- 337.030. License renewal, registration fee, proof of compliance — late registration, penalty — lost certificate, how replaced — fees, amount, how set — inactive license issued, when.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 327.401, 327.411, and 337.030, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 327.401, 327.411, 327.172, and 337.030, to read as follows:

**327.401. RIGHT TO PRACTICE NOT TRANSFERABLE — CORPORATION, CERTIFICATE OF AUTHORITY REQUIRED.** — 1. The right to practice as an architect or to practice as a professional engineer or to practice as a professional land surveyor **or to practice as a landscape architect** shall be deemed a personal right, based upon the qualifications of the individual, evidenced by such individual's professional license and shall not be transferable; but any architect or any professional engineer or any professional land surveyor **or any landscape architect** may practice his or her profession through the medium of, or as a member or as an employee of, a partnership or corporation if the plans, specifications, estimates, plats, reports, surveys or other like documents or instruments of the partnership or corporation are signed and stamped with the personal seal of the architect, professional engineer [or], professional land surveyor, **or landscape architect** by whom or under whose immediate personal supervision the same were prepared and provided that the architect or professional engineer or professional land surveyor **or landscape architect** who affixes his or her signature and personal seal to any such plans, specifications, estimates, plats, reports or other documents or instruments shall be personally and professionally responsible therefor.

2. Any domestic corporation formed under the corporation law of this state, or any foreign corporation, now or hereafter organized and having as one of its purposes the practicing of architecture or professional engineering or professional land surveying **or landscape architecture** and any existing corporation which amends its charter to propose to practice architecture or professional engineering or professional land surveying **or landscape architecture** shall obtain a certificate of authority for each profession named in the articles of incorporation or articles of organization from the board which shall be renewed in accordance with the provisions of section 327.171 or 327.261 or 327.351, as the case may be, and from and after the date of such certificate of authority and while the authority or a renewal thereof is in effect, may offer and render architectural or professional engineering or professional land surveying **or landscape architectural** services in this state if:

(1) At all times during the authorization or any renewal thereof the directors of the corporation shall have assigned responsibility for the proper conduct of all its architectural or professional engineering or professional land surveying **or landscape architectural** activities in this state to an architect licensed and authorized to practice architecture in this state or to a professional engineer licensed and authorized to practice engineering in this state or to a professional land surveyor licensed and authorized to practice professional land surveying in this state, **or to a landscape architect licensed and authorized to practice landscape architecture in this state**, as the case may be; and

(2) The person or persons who is or are personally in charge and supervises or supervise the architectural or professional engineering or professional land surveying **or landscape architectural** activities, as the case may be, of any such corporation in this state shall be licensed and authorized to practice architecture or professional engineering or professional land surveying **or landscape architecture**, as the case may be, as provided in this chapter; and

(3) The corporation pays such fees for the certificate of authority, renewals or reinstatements thereof as are required.

**327.411. PERSONAL SEAL, HOW USED, EFFECT OF.** — 1. Each architect and each professional engineer and each professional land surveyor **and each landscape architect** shall have a personal seal in a form prescribed by the board, and he or she shall affix the seal to all final documents including, but not limited to, plans, specifications, estimates, plats, reports, surveys, proposals and other documents or instruments prepared by the licensee, or under such licensee's immediate personal supervision, and such licensee shall be held personally responsible for the contents of all such documents sealed by such licensee.

2. The personal seal of an architect or professional engineer or professional land surveyor **or landscape architect** shall be the legal equivalent of the licensee's signature whenever and wherever used, and the owner of the seal shall be responsible for the architectural, engineering [or], surveying, **or landscape architectural** documents, as the case may be, when the licensee places his or her personal seal on such plans, specifications, estimates, plats, reports, surveys or other documents or instruments for, or to be used in connection with, any architectural or engineering project [or], survey, **or landscape architectural project**.

3. Any architect, professional engineer [or], professional land surveyor, **or landscape architect** may, but is not required to, attach a statement over his or her signature, authenticated by his or her personal seal, specifying the particular plans, specifications, plats, reports, surveys or other documents or instruments, or portions thereof, intended to be authenticated by the seal, and disclaiming any responsibility for all other plans, specifications, estimates, reports, or other documents or instruments relating to or intended to be used for any part or parts of the architectural or engineering project or survey **or landscape architectural project**.

4. Nothing in this section, or any rule or regulation of the board shall require any professional to seal preliminary or incomplete documents.

**327.172. INACTIVE LICENSE STATUS GRANTED, WHEN, PROCEDURE — RETURN TO ACTIVE STATUS, PROCEDURE.** — 1. An architect licensed in this state may apply to the board for inactive license status on a form furnished by the board. Upon receipt of the completed inactive status application form and the board's determination that the licensee meets the requirements established by rule, the board shall declare the licensee inactive and shall place the licensee on an inactive status list. A person whose license is inactive shall not offer or practice architecture within this state, but may continue to use the title "architect".

2. If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of such intention, by paying appropriate fees as determined by the board, and by meeting all established requirements of the board including the demonstration of current knowledge, competency, and skill in the practice of architecture as a condition of reinstatement.

3. In the event an inactive licensee does not maintain a current license in any state for a five-year period immediately prior to requesting reinstatement, that person may be required to take an examination as the board deems necessary to determine such person's qualifications. Such examination shall cover areas designed to demonstrate the proficiency in current methods of architecture.

**337.030. LICENSE RENEWAL, REGISTRATION FEE, PROOF OF COMPLIANCE — LATE REGISTRATION, PENALTY — LOST CERTIFICATE, HOW REPLACED — FEES, AMOUNT, HOW SET — INACTIVE LICENSE ISSUED, WHEN.** — 1. Each psychologist licensed pursuant to the provisions of sections 337.010 to 337.090, who has not filed with the committee a verified statement that the psychologist has retired from or terminated the psychologist's practice of psychology in this state, shall register with the division on or before the registration renewal date.

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The division shall require a registration fee which shall be submitted together with proof of compliance with the continuing education requirement as provided in section 337.050 and any other information required for such registration. Upon receipt of the required material and of the registration fee, the division shall issue a renewal certificate of registration. The division shall, when issuing an initial license to an applicant who has met all of the qualifications of sections 337.010 to 337.093 and has been approved for licensure by the committee shall grant the applicant, without payment of any further fee, a certificate of registration valid until the next registration renewal date.

2. The division shall mail a renewal notice to the last known address of each licensee prior to the registration renewal date. Failure to provide the division with the proof of compliance with the continuing education requirement and other information required for registration, or to pay the registration fee after such notice shall effect a revocation of the license after a period of sixty days from the registration renewal date. The license shall be restored if, within two years of the registration renewal date, the applicant provides written application and the payment of the registration fee and a delinquency fee and proof of compliance with the requirements for continuing education as provided in section 337.050.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the committee, upon payment of a reasonable fee.

4. The committee shall set the amount of the fees authorized by sections 337.010 to 337.093 and required by rules and regulations promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering sections 337.010 to 337.090.

**5. The committee is authorized to issue an inactive license to any licensee who makes written application for such license on a form provided by the board and remits the fee for an inactive license established by the committee. An inactive license may be issued only to a person who has previously been issued a license to practice psychology in this state, who is no longer regularly engaged in such practice and who does not hold himself or herself out to the public as being professionally engaged in such practice in this state. Each inactive license shall be subject to all provisions of this chapter, except as otherwise specifically provided. Each inactive license may be renewed by the committee subject to all provisions of this section and all other provisions of this chapter. The inactive licensee shall not be required to submit evidence of completion of continuing education as required by this chapter. An inactive licensee may apply for a license to regularly engage in the practice of psychology upon filing a written application on a form provided by the committee, submitting the reactivation fee established by the committee, and submitting proof of current competency as established by the committee.**

Approved July 11, 2003

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## SB 492 [SB 492]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Revises the registration of a commercial interior designer.**

AN ACT to repeal section 324.409, RSMo, and to enact in lieu thereof one new section relating to commercial interior designers.

SECTION

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- A. Enacting clause.  
324.409. Qualifications for registration.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 324.409, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 324.409, to read as follows:

**324.409. QUALIFICATIONS FOR REGISTRATION.** — 1. To be a registered commercial interior designer, a person:

(1) Shall take and pass or have passed the examination administered by the National Council for Interior Design Qualification or an equivalent examination approved by the council. In addition to proof of passage of the examination, the application shall provide substantial evidence to the council that the applicant:

(a) Is a graduate of a five-year or four-year interior design program from an accredited institution and has completed at least two years of diversified and appropriate interior design experience; or

(b) Has completed at least three years of an interior design curriculum from an accredited institution and has completed at least three years of diversified and appropriate interior design experience; or

(c) Is a graduate of a two-year interior design program from an accredited institution and has completed at least four years of diversified and appropriate interior design experience; **or**

(2) [Within twenty-four months of August 28, 1998, a person may qualify for registration by providing substantial evidence to the council that the applicant:

(a) Has passed the full examination administered by the National Council for Interior Design Qualification or an equivalent state examination approved by the council and has a minimum of six years of interior design experience acceptable to the council;

(b) Has passed or intends to take and pass within the next twelve months the building and barrier-free portion of the examination administered by the National Council for Interior Design Qualification or an equivalent state codes examination approved by the council and has provided satisfactory evidence of having used or been identified by the title, interior designer, and has diversified and appropriate experience totaling a minimum of ten years; or

(c) Has taken and passed the building and barrier-free portion of the examination administered by the National Council for Interior Design Qualification or an equivalent state codes examination approved by the council, and has passed the American Institute of Interior Designers accreditation examination; or

(3)] May qualify who is currently registered pursuant to sections 327.091 to 327.171, RSMo, and section 327.401, RSMo, pertaining to the practice of architecture and registered with the council. Such applicant shall give authorization to the council in order to verify current registration with sections 327.091 to 327.171, RSMo, and section 327.401, RSMo, pertaining to the practice of architecture.

2. Verification of experience required pursuant to this section shall be based on a minimum of five client references, business or employment verification and five industry references, submitted to the council.

3. The council shall verify if an applicant has complied with the provisions of this section and has paid the required fees, then the council shall recommend such applicant be registered as a registered commercial interior designer by the council.

Approved June 19, 2003

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## SB 504 [HCS SB 504]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Enables a satellite enterprise zone in Springfield.**

AN ACT to repeal section 135.207, RSMo, and to enact in lieu thereof one new section relating to satellite enterprise zones.

## SECTION

A. Enacting clause.

135.207. Satellite zones may be established in certain cities or villages, requirements.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 135.207, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 135.207, to read as follows:

**135.207. SATELLITE ZONES MAY BE ESTABLISHED IN CERTAIN CITIES OR VILLAGES, REQUIREMENTS.** — 1. (1) Any city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county and any city not within a county, which includes an existing state designated enterprise zone within the corporate limits of the city may each, upon approval of the local governing authority of the city and the director of the department of economic development, designate up to three satellite zones within its corporate limits. A prerequisite for the designation of a satellite zone shall be the approval by the director of a plan submitted by the local governing authority of the city describing how the satellite zone corresponds to the city's overall enterprise zone strategy.

(2) Any Missouri community classified as a village whose borders lie adjacent to a city with a population in excess of three hundred fifty thousand inhabitants as described in subdivision (1) of this subsection, and which has within the corporate limits of the village a factory, mining operation, office, mill, plant or warehouse which has at least three thousand employees and has an investment in plant, machinery and equipment of at least two hundred million dollars may, upon securing approval of the director and the local governing authorities of the village and the adjacent city which contains an existing state designated enterprise zone, designate one satellite zone to be located within the corporate limits of the village, such zone to be in addition to the six authorized in subdivision (1) of this subsection.

(3) Any geographical area partially contained within any city not within a county and partially contained within any county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, which area is comprised of a total population of at least four thousand inhabitants but not more than seventy-two thousand inhabitants, and which area consists of at least one fourth class city, and has within its boundaries a military reserve facility and a utility pumping station having a capacity of ten million cubic feet, may, upon securing approval of the director and the appropriate local governing authorities as provided for in section 135.210, be designated as a satellite zone, such zone to be in addition to the six authorized in subdivision (1) of this subsection.

(4) **In addition to all other satellite zones authorized in this section, any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants which includes an existing state designated enterprise zone with the corporate limits of the city may, upon approval of the governing authority of the city and the director of the department of economic development, designate one satellite zone within its corporate limits. No satellite zone shall be designated pursuant to this subdivision until the governing authority of the city submits a plan**

**describing how the satellite zone corresponds to the city's overall enterprise zone strategy and the director approves the plan.**

2. For satellite zones designated pursuant to the provisions of subdivisions (1) and (3) of subsection 1 of this section, the satellite zones, in conjunction with the existing state-designated enterprise zone shall meet the following criteria:

(1) The area is one of pervasive poverty, unemployment, and general distress, or one in which a large number of jobs have been lost, a large number of employers have closed, or in which a large percentage of available production capacity is idle. For the purpose of this subdivision, "large number of jobs" means one percent or more of the area's population according to the most recent decennial census, and "large number of employers" means over five;

(2) At least fifty percent of the residents living in the area have incomes below eighty percent of the median income of all residents within the state of Missouri according to the last decennial census or other appropriate source as approved by the director;

(3) The resident population of the existing state designated enterprise zone and its satellite zones must be at least four thousand but not more than seventy-two thousand at the time of designation;

(4) The level of unemployment of persons, according to the most recent data available from the division of employment security or from the United States Bureau of Census and approved by the director, within the area exceeds one and one-half times the average rate of unemployment for the state of Missouri over the previous twelve months, or the percentage of area residents employed on a full-time basis is less than sixty percent of the statewide percentage of residents employed on a full-time basis.

3. A qualified business located within a satellite zone shall be subject to the same eligibility criteria and can be eligible to receive the same benefits as a qualified facility in sections 135.200 to 135.255.

Approved July 7, 2003

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## SB 506 [SB 506]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Includes the use of lasers within the definition of dentistry.**

AN ACT to repeal section 332.071, RSMo, and to enact in lieu thereof one new section relating to the use of lasers for dentistry.

### SECTION

A. Enacting clause.

332.071. Practice of dentistry defined.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 332.071, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 332.071, to read as follows:

**332.071. PRACTICE OF DENTISTRY DEFINED.** — A person or other entity "practices dentistry" within the meaning of this chapter who:

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(1) Undertakes to do or perform dental work or dental services or dental operations or oral surgery, by any means or methods, **including the use of lasers**, gratuitously or for a salary or fee or other reward, paid directly or indirectly to the person or to any other person or entity;

(2) Diagnoses or professes to diagnose, prescribes for or professes to prescribe for, treats or professes to treat, any disease, pain, deformity, deficiency, injury or physical condition of human teeth or adjacent structures or treats or professes to treat any disease or disorder or lesions of the oral regions;

(3) Attempts to or does replace or restore a part or portion of a human tooth;

(4) Attempts to or does extract human teeth or attempts to or does correct malformations of human teeth or jaws;

(5) Attempts to or does adjust an appliance or appliances for use in or used in connection with malposed teeth in the human mouth;

(6) Interprets or professes to interpret or read dental radiographs;

(7) Administers an anesthetic in connection with dental services or dental operations or dental surgery;

(8) Undertakes to or does remove hard and soft deposits from or polishes natural and restored surfaces of teeth;

(9) Uses or permits to be used for the person's benefit or for the benefit of any other person or other entity the following titles or words in connection with the person's name: "Doctor", "Dentist", "Dr.", "D.D.S.", or "D.M.D.", or any other letters, titles, degrees or descriptive matter which directly or indirectly indicate or imply that the person is willing or able to perform any type of dental service for any person or persons, or uses or permits the use of for the person's benefit or for the benefit of any other person or other entity any card, directory, poster, sign or any other means by which the person indicates or implies or represents that the person is willing or able to perform any type of dental services or operation for any person;

(10) Directly or indirectly owns, leases, operates, maintains, manages or conducts an office or establishment of any kind in which dental services or dental operations of any kind are performed for any purpose; but this section shall not be construed to prevent owners or lessees of real estate from lawfully leasing premises to those who are qualified to practice dentistry within the meaning of this chapter;

(11) Constructs, supplies, reproduces or repairs any prosthetic denture, bridge, artificial restoration, appliance or other structure to be used or worn as a substitute for natural teeth, except when one, not a registered and licensed dentist, does so pursuant to a written uniform laboratory work order, in the form to be prescribed by the board and copies of which shall be retained by the nondentist for two years, of a dentist registered and currently licensed in Missouri and which the substitute in this subdivision described is constructed upon or by use of casts or models made from an impression furnished by a dentist registered and currently licensed in Missouri;

(12) Attempts to or does place any substitute described in subdivision (11) of this section in a human mouth or attempts to or professes to adjust any substitute or delivers any substitute to any person other than the dentist upon whose order the work in producing the substitute was performed;

(13) Advertises, solicits, or offers to or does sell or deliver any substitute described in subdivision (11) of this section or offers to or does sell the person's services in constructing, reproducing, supplying or repairing the substitute to any person other than a registered and licensed dentist in Missouri;

(14) Undertakes to do or perform any physical evaluation of a patient in the person's office or in a hospital, clinic, or other medical or dental facility prior to or incident to the performance of any dental services, dental operations, or dental surgery.

Approved June 19, 2003

## SB 511 [SB 511]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Establishes the Joint Committee on the Life Sciences.**

AN ACT to amend chapter 21, RSMo, by adding thereto one new section relating to the joint committee on the life sciences.

## SECTION

A. Enacting clause.

21.805. Joint committee on the life sciences established, members, appointment, duties, meetings, report.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 21, RSMo, is amended by adding thereto one new section, to be known as section 21.805, to read as follows:

**21.805. JOINT COMMITTEE ON THE LIFE SCIENCES ESTABLISHED, MEMBERS, APPOINTMENT, DUTIES, MEETINGS, REPORT. — 1.** There is hereby established a joint committee of the general assembly to be known as the "Joint Committee on the Life Sciences" to be composed of seven members of the senate and seven members of the house of representatives. The senate members of the joint committee shall be appointed by the president pro tem and the minority floor leader of the senate, and the house members of the joint committee shall be appointed by the speaker and the minority floor leader of the house of representatives. The appointment of each member shall continue during the member's term of office or until a successor has been appointed to fill the member's place when his or her term of office as a member of the general assembly has expired. No party shall be represented by more than four members from the house of representatives or more than four members from the senate. A majority of the joint committee shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the joint committee's duties.

2. The joint committee shall be charged with making recommendations to the full general assembly in the following areas:

(1) Legislative implementation of Missouri's strategic plan for life sciences, or successor plans;

(2) Executive branch actions and policies necessary to nurture and support life sciences research and commercialization;

(3) State investments necessary to nurture and support life sciences research and commercialization;

(4) Changes necessary in Missouri's tax system to nurture and support life sciences research and commercialization;

(5) Laws and policies necessary to eliminate barriers to life sciences research and commercialization and to encourage the start-up of new life sciences companies in Missouri;

(6) Laws and policies necessary to encourage the retention and recruitment of existing life sciences companies in Missouri;

(7) Laws and policies necessary to encourage the recruitment of expert life scientists to Missouri;

(8) Coordination of Missouri's existing scientific resources, including Missouri's colleges and universities; and

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(9) Any other legislative action necessary to nurture and support life sciences research and commercialization in Missouri.

3. The joint committee shall meet within thirty days after its creation and organize by selecting a chairperson and vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. The chairpersonship shall alternate between members of the house and senate every two years after the joint committee's organization.

4. The joint committee shall meet at least quarterly and may meet at locations other than Jefferson City when the joint committee deems it necessary.

5. The joint committee shall be staffed by legislative personnel as is deemed necessary to assist the joint committee in the performance of its duties.

6. The members of the joint committee shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

7. The joint committee shall compile a full report of its activities for submission to the general assembly. The report shall be submitted not later than the fifteenth of January of each year in which the general assembly convenes in regular session and shall include any recommendations which the joint committee may have for legislative action as well as any recommendations for administrative or procedural changes in the internal management or organization of state government agencies and departments. Copies of the report containing such recommendations shall be sent to the appropriate directors of state departments and agencies included in the report.

8. All state departments, agencies, boards, and commissions shall cooperate with and assist the joint committee in the performance of its duties and shall make available all information requested.

Approved July 11, 2003

## SB 513 [SCS SB 513]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Removes discretion of board of police commissioners as to paid vacation and holidays in some situations.**

AN ACT to repeal section 84.140, RSMo, and to enact in lieu thereof one new section relating to paid vacation of St. Louis City police members.

### SECTION

A. Enacting clause.

84.140. Vacations, holidays and off-duty time.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 84.140, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 84.140, to read as follows:

**84.140. VACATIONS, HOLIDAYS AND OFF-DUTY TIME.** — The boards [may] **shall** grant every member of the police force who has served for one year or more a total of three weeks vacation each year with pay, and each member of the police force who has served the

department for twelve years or more [may] **shall** receive four weeks vacation each year with pay, and each member of the police force who has served the department for twenty-one years or more shall receive five weeks vacation each year with pay; however the board may grant an additional week of paid vacation to members after one year of service. All members of the police force [may] **shall** receive fifteen holidays with pay, however the board may grant additional holidays with pay, and one hundred four days off duty each year with pay, and the boards may from time to time grant additional days off duty each year with pay when in the judgment of the boards, the granting thereof will not materially impair the efficiency of the department.

Approved July 1, 2003

## SB 522 [SB 522]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

### **Provides an additional rate for the capital improvement sales tax.**

AN ACT to repeal section 67.700, RSMo, and to enact in lieu thereof one new section relating to sales tax for capital improvements imposed in certain counties.

#### SECTION

A. Enacting clause.

67.700. Sales tax for capital improvements may be imposed in certain counties, procedure — use of revenue — tax effective when — brackets to be established — rate of tax — sales tax revenue collected, defined.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 67.700, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.700, to read as follows:

**67.700. SALES TAX FOR CAPITAL IMPROVEMENTS MAY BE IMPOSED IN CERTAIN COUNTIES, PROCEDURE — USE OF REVENUE — TAX EFFECTIVE WHEN — BRACKETS TO BE ESTABLISHED — RATE OF TAX — SALES TAX REVENUE COLLECTED, DEFINED.** — 1. Any county, as defined in section 67.724, may, by ordinance or order, impose a sales tax on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for any capital improvement purpose designated by the county in its ballot of submission to its voters; provided, however, that no ordinance or order enacted pursuant to the authority granted by sections 67.700 to 67.727 shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary, or special election, a proposal to authorize the governing body of the county to impose a tax under the provisions of sections 67.700 to 67.727. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of ..... (county's name) impose a countywide sales tax at the rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of ..... (insert capital improvement purpose)?

[ ] YES

[ ] NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the sales tax authorized by sections 67.700 to 67.727 unless and until the governing body of the county shall again have submitted another proposal to authorize it to impose the sales tax under the provisions of sections 67.700 to 67.727 and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a county from the tax authorized by sections 67.700 to 67.727 which has been designated for a certain capital improvement purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the voters under subsection 2 of this section or if the tax authorized by sections 67.700 to 67.727 is repealed under section 67.721, all funds remaining in the special trust fund shall continue to be used solely for such designated capital improvement purpose including the payment of principal and interest on any bonds issued to pay for such capital improvement. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

4. The sales tax may be imposed at a rate of one-eighth of one percent, **one-fifth of one percent**, one-fourth of one percent, three-eighths of one percent, or one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo.

5. In addition to the rates provided in subsection 4 of this section, any county of the first class without a charter form of government which adjoins a county of the first class containing part of a city containing more than three hundred fifty thousand inhabitants and which also adjoins a county of the third class having a township form of government shall also be authorized to (1) levy such sales tax at a rate of one-eighth of one percent; or (2) levy such sales tax at a rate of one-fourth of one percent in conjunction with a reduction in its property tax levy or levies for general revenues or for funding the maintenance of roads and bridges, or both, for each year in which the sales tax is imposed. Such reduction shall be in an amount sufficient to decrease the property taxes it will collect by not less than fifty percent of the sales tax revenue collected in the tax year for which the property taxes are being levied. If in the immediately preceding year a county actually collected less sales tax revenue than was projected for purposes of reducing its property tax levy or levies, the county shall adjust its property tax levy or levies for the current year to reflect such decrease. Any such county seeking voter approval of the sales tax alternative authorized in this subsection shall include in the ballot of submission authorized in subsection 2 of this section language clearly stating the appropriate percentage of the sales tax revenue shall be used for property tax reduction as provided herein. For purposes of this subsection, the term "sales tax revenue collected" shall have the meaning provided in section 67.500.

Approved July 9, 2003

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SB 529 [SB 529]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Allows certain railroads within Missouri to be designated by the division of tourism as official state railroads.**

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AN ACT to amend chapter 389, RSMo, by adding thereto one new section relating to the designation of official Missouri railroads.

SECTION

A. Enacting clause.

389.1020. Official Missouri railroad, when designated.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 389, RSMo, is amended by adding thereto one new section, to be known as section 389.1020, to read as follows:

**389.1020. OFFICIAL MISSOURI RAILROAD, WHEN DESIGNATED.** — **Any railroad which transverse the boundaries of Missouri and is domiciled within Missouri may be designated by the division of tourism as an official Missouri railroad.**

Approved May 30, 2003

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SB 534 [SB 534]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Includes definitions for protective oversight and voluntary leave in the Omnibus Nursing Home Act.**

AN ACT to repeal section 198.006, RSMo, and to enact in lieu thereof one new section relating to supervision in nursing homes.

SECTION

A. Enacting clause.

198.006. Definitions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 198.006, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 198.006, to read as follows:

**198.006. DEFINITIONS.** — As used in sections 198.003 to 198.186, unless the context clearly indicates otherwise, the following terms mean:

- (1) "Abuse", the infliction of physical, sexual, or emotional injury or harm;
  - (2) "Administrator", the person who is in general administrative charge of a facility;
  - (3) "Affiliate":
    - (a) With respect to a partnership, each partner thereof;
    - (b) With respect to a limited partnership, the general partner and each limited partner with an interest of five percent or more in the limited partnership;
    - (c) With respect to a corporation, each person who owns, holds or has the power to vote, five percent or more of any class of securities issued by the corporation, and each officer and director;
    - (d) With respect to a natural person, any parent, child, sibling, or spouse of that person;
  - (4) "Department", the Missouri department of social services;
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(5) "Emergency", a situation, physical condition or one or more practices, methods or operations which presents imminent danger of death or serious physical or mental harm to residents of a facility;

(6) "Facility", any residential care facility I, residential care facility II, immediate care facility, or skilled nursing facility;

(7) "Health care provider", any person providing health care services or goods to residents and who receives funds in payment for such goods or services under Medicaid;

(8) "Intermediate care facility", any premises, other than a residential care facility I, residential care facility II, or skilled nursing facility, which is utilized by its owner, operator, or manager to provide twenty-four hour accommodation, board, personal care, and basic health and nursing care services under the daily supervision of a licensed nurse and under the direction of a licensed physician to three or more residents dependent for care and supervision and who are not related within the fourth degree of consanguinity or affinity to the owner, operator or manager of the facility;

(9) "Manager", any person other than the administrator of a facility who contracts or otherwise agrees with an owner or operator to supervise the general operation of a facility, providing such services as hiring and training personnel, purchasing supplies, keeping financial records, and making reports;

(10) "Medicaid", medical assistance under section 208.151, RSMo, et seq., in compliance with Title XIX, Public Law 89-97, 1965 amendments to the Social Security Act (42 U.S.C. 301 et seq.), as amended;

(11) "Neglect", the failure to provide, by those responsible for the care, custody, and control of a resident in a facility, the services which are reasonable and necessary to maintain the physical and mental health of the resident, when such failure presents either an imminent danger to the health, safety or welfare of the resident or a substantial probability that death or serious physical harm would result;

(12) "Operator", any person licensed or required to be licensed under the provisions of sections 198.003 to 198.096 in order to establish, conduct or maintain a facility;

(13) "Owner", any person who owns an interest of five percent or more in:

(a) The land on which any facility is located;

(b) The structure or structures in which any facility is located;

(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure in or on which a facility is located; or

(d) Any lease or sublease of the land or structure in or on which a facility is located.

"Owner" does not include a holder of a debenture or bond purchased at public issue nor does it include any regulated lender unless the entity or person directly or through a subsidiary operates a facility;

(14) **"Protective oversight", an awareness twenty-four hours a day of the location of a resident, the ability to intervene on behalf of the resident, the supervision of nutrition, medication, or actual provisions of care, and the responsibility for the welfare of the resident, except where the resident is on voluntary leave;**

(15) "Resident", a person who by reason of aging, illness, disease, or physical or mental infirmity receives or requires care and services furnished by a facility and who resides or boards in or is otherwise kept, cared for, treated or accommodated in such facility for a period exceeding twenty-four consecutive hours;

[(15)] (16) "Residential care facility I", any premises, other than a residential care facility II, intermediate care facility, or skilled nursing facility, which is utilized by its owner, operator or manager to provide twenty-four hour care to three or more residents, who are not related within the fourth degree of consanguinity or affinity to the owner, operator, or manager of the facility and who need or are provided with shelter, board, and with protective oversight, which may include storage and distribution or administration of medications and care during short-term illness or recuperation;

[(16)] (17) "Residential care facility II", any premises, other than a residential care facility I, an intermediate care facility, or a skilled nursing facility, which is utilized by its owner, operator or manager to provide twenty-four hour accommodation, board, and care to three or more residents who are not related within the fourth degree of consanguinity or affinity to the owner, operator, or manager of the facility, and who need or are provided with supervision of diets, assistance in personal care, storage and distribution or administration of medications, supervision of health care under the direction of a licensed physician, and protective oversight, including care during short-term illness or recuperation;

[(17)] (18) "Skilled nursing facility", any premises, other than a residential care facility I, a residential care facility II, or an intermediate care facility, which is utilized by its owner, operator or manager to provide for twenty-four hour accommodation, board and skilled nursing care and treatment services to at least three residents who are not related within the fourth degree of consanguinity or affinity to the owner, operator or manager of the facility. Skilled nursing care and treatment services are those services commonly performed by or under the supervision of a registered professional nurse for individuals requiring twenty-four hours a day care by licensed nursing personnel including acts of observation, care and counsel of the aged, ill, injured or infirm, the administration of medications and treatments as prescribed by a licensed physician or dentist, and other nursing functions requiring substantial specialized judgment and skill;

[(18)] (19) "Vendor", any person selling goods or services to a health care provider;

(20) "Voluntary leave", an off-premise leave initiated by:

(a) A resident that has not been declared mentally incompetent or incapacitated by a court; or

(b) A legal guardian of a resident that has been declared mentally incompetent or incapacitated by a court.

Approved July 1, 2003

## SB 537 [SB 537]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Authorizes Boone County Counselor to prosecute certain actions resulting in civil fines.**

AN ACT to repeal section 56.640, RSMo, and to enact in lieu thereof two new sections relating to the duties of a county counselor.

### SECTION

A. Enacting clause.

49.272. County counselor may impose fine for certain violations of rules, regulations or ordinances, amount (Boone County).

56.640. County counselor and assistants, duties of (certain first class counties).

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 56.640, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 49.272 and 56.640, to read as follows:

**49.272. COUNTY COUNSELOR MAY IMPOSE FINE FOR CERTAIN VIOLATIONS OF RULES, REGULATIONS OR ORDINANCES, AMOUNT (BOONE COUNTY).** — **The county commission of any county of the first classification without a charter form of government and with more**

than one hundred thirty-five thousand four hundred but less than one hundred thirty-five thousand five hundred inhabitants which has an appointed county counselor and which adopts or has adopted rules, regulations or ordinances under authority of a statute which prescribes or authorizes a violation of such rules, regulations or ordinances to be a misdemeanor punishable as provided by law, may by rule, regulation or ordinance impose a civil fine not to exceed one thousand dollars for each violation. Any fines imposed and collected under such rules, regulations or ordinances shall be payable to the county general fund to be used to pay for the cost of enforcement of such rules, regulations or ordinances.

**56.640. COUNTY COUNSELOR AND ASSISTANTS, DUTIES OF (CERTAIN FIRST CLASS COUNTIES).** — **1.** If a county counselor is appointed, he and his assistants under his direction shall represent the county and all departments, officers, institutions and agencies thereof, except as otherwise provided by law and shall upon request of any county department, officer, institution or agency for which legal counsel is otherwise provided by law, and upon the approval of the county commission, represent such department, officer, institution or agency. He shall commence, prosecute or defend, as the case may require, and exercise exclusive authority in all civil suits or actions in which the county or any county officer, commission or agency is a party, in his or its official capacity, he shall draw all contracts relating to the business of the county, he shall represent the county generally in all matters of civil law, and he shall upon request furnish written opinions to any county officer or department.

**2.** In all cases in which a civil fine may be imposed pursuant to section 49.272, RSMo, it shall be the duty of the county counselor, rather than the county prosecuting attorney, to prosecute such violations in the associate division of the circuit court in the county where the violation occurred.

**3.** Notwithstanding any law to the contrary, the county counselor in any county of the first classification and the prosecuting attorney of such county may by mutual cooperation agreement prosecute or defend any civil action which the prosecuting attorney or county counselor of the county is authorized or required by law to prosecute or defend.

Approved July 9, 2003

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## SB 540 [SB 540]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Limits the number of microbrewer licenses available to an individual and his agents.**

AN ACT to repeal section 311.195, RSMo, and to enact in lieu thereof one new section relating to microbreweries.

### SECTION

A. Enacting clause.

311.195. Microbrewery, defined — license, fee — retail license allowed, procedure — sale to wholesalers allowed, when — certain exemptions, when.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

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**SECTION A. ENACTING CLAUSE.** — Section 311.195, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 311.195, to read as follows:

**311.195. MICROBREWERY, DEFINED — LICENSE, FEE — RETAIL LICENSE ALLOWED, PROCEDURE — SALE TO WHOLESALERS ALLOWED, WHEN — CERTAIN EXEMPTIONS, WHEN.**

— 1. As used in this section, the term "microbrewery" means a business whose primary activity is the brewing and selling of beer, with an annual production of ten thousand barrels or less.

2. A microbrewer's license shall authorize the licensee to manufacture beer and malt liquor in quantities not to exceed ten thousand barrels per annum. In lieu of the charges provided in section 311.180, a license fee of five dollars for each one hundred barrels or fraction thereof, up to a maximum license fee of two hundred fifty dollars, shall be paid to and collected by the director of revenue.

3. Notwithstanding any other provision of this chapter or chapter 312, RSMo, to the contrary, the holder of a microbrewer's license may apply for, and the supervisor of liquor control may issue, a license to sell intoxicating liquor by the drink at retail for consumption on the [brewery] premises [and in the original package for off-premises consumption]. **No holder of a microbrewer's license, or any employee, officer, agent, subsidiary, or affiliate thereof, shall have more than ten licenses to sell intoxicating liquor by the drink at retail for consumption on the premises.** The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to the holder of a license issued under the provisions of this section in the same manner as they apply to establishments licensed under the provisions of section 311.085, 311.090, 311.095, or 311.097.

4. The holder of a microbrewer's license may also sell beer and malt liquor produced on the brewery premises to duly licensed wholesalers. However, holders of a microbrewer's license shall not, under any circumstances, directly or indirectly, have any financial interest in any wholesaler's business, and all such sales to wholesalers shall be subject to the restrictions of sections 311.181 and 311.182.

**5. A microbrewer who is a holder of a license to sell intoxicating liquor by the drink at retail for consumption on the premises shall be exempt from the provisions of section 311.280, for such intoxicating liquor that is produced on the premises in accordance with the provisions of this chapter. For all other intoxicating liquor sold by the drink at retail for consumption on the premises that the microbrewer possesses a license for, must be obtained in accordance with section 311.280.**

Approved July 11, 2003

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SB 546 [SCS SB 546]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**Allows Johnson County to adopt and impose landfill fees.**

AN ACT to repeal sections 260.830 and 260.831, RSMo, and to enact in lieu thereof two new sections relating to landfill fees in Johnson County.

**SECTION**

A. Enacting clause.

260.830. Landfill fee authorized, counties of third and fourth classification — approval, ballot, limitation.

260.831. Collection of fee by operator, payment required — separate surcharge, transmittal of funds.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 260.830 and 260.831, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 260.830 and 260.831, to read as follows:

**260.830. LANDFILL FEE AUTHORIZED, COUNTIES OF THIRD AND FOURTH CLASSIFICATION — APPROVAL, BALLOT, LIMITATION.** — 1. Any county of the third classification **or any county of the second classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants** may, by a majority vote of its governing body, impose a landfill fee pursuant to sections 260.830 and 260.831, for the benefit of the county. No order or ordinance enacted pursuant to the authority granted by this section shall be effective unless the governing body of the county submits to the qualified voters of the county, at a public election, a proposal to authorize the governing body of the county to impose a fee under the provisions of this section. The ballot of submission shall be in substantially the following form:

Shall the county of ..... (insert name of county) impose a landfill fee of ..... (insert amount of fee per ton or volumetric equivalent of solid waste)?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the order or ordinance and any amendments thereto shall become effective on the first day of the calendar quarter immediately after such election results are certified. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the fee authorized by this section unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose such fee, and the proposal is approved by a majority of the qualified voters voting thereon. If an economic development authority does not exist in a county at the time that a landfill fee is adopted by such county under this section, then the governing body of such county shall establish an economic development authority in the county.

2. The landfill fee authorized by such an election may not exceed one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted, which charge may be in addition to any such fee currently imposed pursuant to the provisions of section 260.330.

**260.831. COLLECTION OF FEE BY OPERATOR, PAYMENT REQUIRED — SEPARATE SURCHARGE, TRANSMITTAL OF FUNDS.** — 1. Each operator of a solid waste sanitary or demolition landfill in any county wherein a landfill fee has been approved by the voters pursuant to section 260.830 shall collect a charge equal to the charge authorized by the voters in such election, not to exceed one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such fee shall be collected in addition to any fee authorized or imposed pursuant to the provisions of section 260.330, and shall be paid to such operator by all political subdivisions, municipalities, corporations, entities or persons disposing of solid waste or demolition waste, whether pursuant to contract or otherwise, and notwithstanding that any such contract may provide for collection, transportation and disposal of such waste at a fixed fee. Any such contract providing for collections, transportation and disposal of such waste at a fixed fee which is in force on August 28, [1993] **2003**, shall be renegotiated by the parties to the contract to include the additional fee imposed by this section. Each such operator shall submit the charge, less collection costs, to the governing body of the county, which shall dedicate such funds for use by the industrial development authority within the county and such funds shall be used by the authority for economic development within the county. Collection costs shall be the same as established by the department of natural resources pursuant to section 260.330, and shall not exceed two percent of the amount collected pursuant to this section.

2. The charges established in this section shall be enumerated separately from any disposal fee charged by the landfill. After January 1, 1994, the fee authorized under section 260.830 and this section shall be stated as a separate surcharge on each individual solid waste collection customer's invoice and shall also name the economic development authority which receives the funds. Moneys transmitted to the governing body of the county shall be no less than the amount collected less collection costs and in a form, manner and frequency as the governing body may prescribe. Failure to collect such charge shall not relieve the operator from responsibility for transmitting an amount equal to the charge to the governing body.

Approved June 9, 2003

### SB 547 [HCS SCS SB 547]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

#### **Modifies pay schedules for certain county clerks and treasurers.**

AN ACT to repeal section 54.261, RSMo, and to enact in lieu thereof two new sections relating to compensation for certain county treasurers.

#### **SECTION**

- A. Enacting clause.
- 54.261. Compensation — training program, attendance required, when, expenses, compensation (second, third and fourth class counties and Clay County).
- 1. Cole County salary commission authorized to equalize salaries on a one-time basis.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 54.261, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 54.261 and 1, to read as follows:

**54.261. COMPENSATION — TRAINING PROGRAM, ATTENDANCE REQUIRED, WHEN, EXPENSES, COMPENSATION (SECOND, THIRD AND FOURTH CLASS COUNTIES AND CLAY COUNTY).** — 1. The county treasurer in counties of the first classification, not having a charter form of government and containing a portion of a city with a population of three hundred thousand or more, and in counties of the second, third and fourth classifications of this state, shall receive as compensation for services performed by the treasurer an annual salary based upon the assessed valuation of the county. The provisions of this section shall not permit or require a reduction, nor shall require an increase, in the amount of compensation being paid for the office of treasurer on January 1, 2002.

2. The amount of salary based upon assessed valuation shall be computed according to the following schedule:

[Assessed Valuation]	Salary
\$ 18,000,000 to 40,999,999	\$21,460
41,000,000 to 53,999,999	22,200
54,000,000 to 65,999,999	23,680
66,000,000 to 85,999,999	25,160
86,000,000 to 99,999,999	26,640
100,000,000 to 130,999,999	28,120
131,000,000 to 159,999,999	29,600

160,000,000 to 189,999,999	30,340
190,000,000 to 249,999,999	30,710
250,000,000 to 299,999,999	31,820
300,000,000 or more	33,300

3. In lieu of the salary schedule listed in subsection 2 of this section, the salary commission may authorize a salary schedule that exceeds the schedule in subsection 2 of this section, but such schedule shall not exceed the following:]

Assessed Valuation	Salary
\$ 18,000,000 to 40,999,999	\$29,000
41,000,000 to 53,999,999	30,000
54,000,000 to 65,999,999	32,000
66,000,000 to 85,999,999	34,000
86,000,000 to 99,999,999	36,000
100,000,000 to 130,999,999	38,000
131,000,000 to 159,999,999	40,000
160,000,000 to 189,999,999	41,000
190,000,000 to 249,999,999	41,500
250,000,000 to 299,999,999	43,000
300,000,000 or more	45,000

[4.] 3. Two thousand dollars of the salary authorized in this section shall be payable to the treasurer only if the treasurer has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the treasurer's office when approved by a professional association of the county treasurers or county collectors of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each treasurer who completes the training program and shall send a list of certified treasurers to the county commission of each county. Expenses incurred for attending the training session may be reimbursed to the county treasurer in the same manner as other expenses as may be appropriated for that purpose.

[5.] 4. The county treasurer in any county, other than a county of the first classification having a charter form of government or a county of the first classification not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall not, except upon two-thirds vote of all the members of the commission, receive an annual compensation in an amount less than the total compensation being received for the office of county treasurer in the particular county for services rendered or performed on the date the salary commission votes.

[6.] 5. In the event of a vacancy in the office of treasurer in any county except a county of the first classification with a charter form of government, when there is no deputy treasurer, the county commission shall appoint a qualified acting treasurer until such time as the vacancy is filled by the governor pursuant to section 105.030, RSMo.

**SECTION 1. COLE COUNTY SALARY COMMISSION AUTHORIZED TO EQUALIZE SALARIES ON A ONE-TIME BASIS. — In any county of the first classification with more than seventy-one thousand three hundred but less than seventy-one thousand four hundred inhabitants, the salary commission at its meeting in 2003 and at any meeting held in 2004, may equalize the base salary for each office to an amount not greater than that set by law as the maximum compensation. Nothing in this section shall be construed to prevent offices which have additional compensation specified in law from receiving such compensation or from having such compensation added to the base compensation in excess of the equalized salary.**

Approved July 1, 2003

## SB 548 [SB 548]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Requires annual report by the Joint Committee on Legislative Research listing statutes expiring within the next two years.**

AN ACT to amend chapter 23, RSMo, by adding thereto one new section relating to the joint committee on legislative research.

SECTION

A. Enacting clause.

23.205. Annual report by committee on laws which expire, sunset, terminate or become ineffective in two years.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 23, RSMo, is amended by adding thereto one new section, to be known as section 23.205, to read as follows:

**23.205. ANNUAL REPORT BY COMMITTEE ON LAWS WHICH EXPIRE, SUNSET, TERMINATE OR BECOME INEFFECTIVE IN TWO YEARS.** — **The joint committee on legislative research shall file a report with the general assembly by January third, of each year which provides a detailed listing of all statutes which expire, sunset, terminate, or otherwise become ineffective by their own provisions within the next two years.**

Approved June 9, 2003

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## SB 552 [CCR#2 HCS SB 552]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Expands the list of property exempt from attachment to clarify that all qualified retirement plans will be exempt.**

AN ACT to repeal section 513.430, RSMo, and to enact in lieu thereof one new section relating to property exempt from attachment.

SECTION

A. Enacting clause.

513.430. Property exempt from attachment — benefits from certain employee plans, exception — bankruptcy proceeding, fraudulent transfers, exception — construction of section.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 513.430, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 513.430, to read as follows:

**513.430. PROPERTY EXEMPT FROM ATTACHMENT — BENEFITS FROM CERTAIN EMPLOYEE PLANS, EXCEPTION — BANKRUPTCY PROCEEDING, FRAUDULENT TRANSFERS,**

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**EXCEPTION — CONSTRUCTION OF SECTION.** — 1. The following property shall be exempt from attachment and execution to the extent of any person's interest therein:

(1) Household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments that are held primarily for personal, family or household use of such person or a dependent of such person, not to exceed one thousand dollars in value in the aggregate;

(2) Jewelry held primarily for the personal, family or household use of such person or a dependent of such person, not to exceed five hundred dollars in value in the aggregate;

(3) Any other property of any kind, not to exceed in value four hundred dollars in the aggregate;

(4) Any implements, professional books or tools of the trade of such person or the trade of a dependent of such person not to exceed two thousand dollars in value in the aggregate;

(5) Any motor vehicle, not to exceed one thousand dollars in value;

(6) Any mobile home used as the principal residence, not to exceed one thousand dollars in value;

(7) Any one or more unmatured life insurance contracts owned by such person, other than a credit life insurance contract;

(8) The amount of any accrued dividend or interest under, or loan value of, any one or more unmatured life insurance contracts owned by such person under which the insured is such person or an individual of whom such person is a dependent; provided, however, that if proceedings under Title 11 of the United States Code are commenced by or against such person, the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand dollars in the aggregate less any amount of property of such person transferred by the life insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a premium or to carry out a nonforfeiture insurance option and is required to be so transferred automatically under a life insurance contract with such company or society that was entered into before commencement of such proceedings. No amount of any accrued dividend or interest under, or loan value of, any such life insurance contracts shall be exempt from any claim for child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such proceedings under any such insurance contract which was purchased by such person within one year prior to the commencement of such proceedings;

(9) Professionally prescribed health aids for such person or a dependent of such person;

(10) Such person's right to receive:

(a) A Social Security benefit, unemployment compensation or a local public assistance benefit;

(b) A veteran's benefit;

(c) A disability, illness or unemployment benefit;

(d) Alimony, support or separate maintenance, not to exceed five hundred dollars a month;

(e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan, profit-sharing plan, nonpublic retirement plan or any [similar] plan described, defined, or established pursuant to section 456.072, RSMo, the person's right to a participant account in any deferred compensation program offered by the state of Missouri or any of its political subdivisions, or annuity or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of such person and any dependent of such person unless:

a. Such plan or contract was established by or under the auspices of an insider that employed such person at the time such person's rights under such plan or contract arose;

b. Such payment is on account of age or length of service; and

c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. 401(a), 403(a), 403(b), 408, 408A or 409);

except that any such payment to any person shall be subject to attachment or execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of 1986, as amended, issued by a court in any proceeding for dissolution of marriage or legal separation or a proceeding for disposition of property following dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of marital property at the time of the original judgment of dissolution;

(f) Any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan [which] **or profit-sharing plan that** is qualified under Section [401(k), 403(a)(3),] **401(a), 403(a),** 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, except as provided in this paragraph. Any plan or arrangement described in this paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic relations order; however, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state of Missouri through its division of family services. As used in this paragraph, the terms "alternate payee" and "qualified domestic relations order" have the meaning given to them in Section 414(p) of the Internal Revenue Code of 1986, as amended. If proceedings under Title 11 of the United States Code are commenced by or against such person, no amount of funds shall be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as defined in section 456.630, RSMo, and for the period such person participated within three years prior to the commencement of such proceedings. For the purposes of this section, when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and then treated as though the funds had never been contributed to the plan, contract, or trust;

(11) The debtor's right to receive, or property that is traceable to, a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

2. Nothing in this section shall be interpreted to exempt from attachment or execution for a valid judicial or administrative order for the payment of child support or maintenance any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified pursuant to Section 408A of the Internal Revenue Code of 1986, as amended.

Approved July 3, 2003

## SB 555 [CCS HS HCS SS SCS SB 555]

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

### **Addresses ability of certain aluminum smelters and cities to purchase energy outside of PSC oversight.**

AN ACT to repeal section 91.030, RSMo, and to enact in lieu thereof two new sections relating to the supply of electrical power and energy to aluminum smelting facilities, with an emergency clause.

#### SECTION

- A. Enacting clause.
- 91.026. Aluminum smelting facilities may contract to purchase electric power, no set rates or time periods — definitions — criteria.
- 91.030. Cities may purchase light and power, and ancillary services.

B. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 91.030, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 91.026 and 91.030, to read as follows:

**91.026. ALUMINUM SMELTING FACILITIES MAY CONTRACT TO PURCHASE ELECTRIC POWER, NO SET RATES OR TIME PERIODS — DEFINITIONS — CRITERIA. — 1.** As used in this section, the following terms mean:

- (1) "Commission", the Missouri public service commission;
- (2) "Aluminum smelting facility", a facility whose primary industry is the smelting of aluminum and primary metals, Standard Industrial Classification Code 3334, is located in a county of the second classification, which has used over three million megawatt hours of electricity during a calendar year, and has had electrical service provided to said facility in the past, in part or whole, by a municipally owned utility and, in part or whole, by an electric generating cooperative owned by rural electric cooperatives;
- (3) "Delivery services", transmission, distribution, or metering of electric power and energy or services ancillary thereto or related services;
- (4) "Municipally owned utility", a utility as defined in subdivision (1) of subsection 1 of section 91.025;
- (5) "Local electric service utility", an electrical corporation engaged in the furnishing of local electric service to consumers under a certificate of convenience and necessity issued by the commission, any municipal electric distribution system or electric cooperative.

2. Notwithstanding any provisions of law to the contrary, any aluminum smelting facility shall have the right to purchase and contract to purchase electric power and energy and delivery services from any provider, wherever found or located, at whatever rates or charges as contracted for, and such periods or times as is needed or necessary or convenient for the operation of such aluminum smelting facility and for no other purpose, notwithstanding any past circumstances of supply. Any aluminum smelting facility purchasing or contracting to purchase electric power and energy pursuant to this section shall not resell such electric power and energy to any party except the original providers of such electric power and energy.

3. Notwithstanding the provisions of section 91.025, section 393.106, RSMo, and section 394.315, RSMo, to the contrary, any provider of such electric power and energy and delivery services, whether or not otherwise under Missouri regulatory jurisdiction, shall have the right to transact for and sell electric power and energy and delivery services to an aluminum smelting facility. Any transactions or contracts pursuant to this section for electric power and energy and delivery services shall not be subject to the jurisdiction of the commission with regard to the determination of rates.

4. When current electric power and energy is being supplied in part or in whole by a municipally owned utility and in part or whole by an electric generating cooperative owned by rural electric cooperatives and not under any contract authorized pursuant to this section, a replacement contract pursuant to the provisions of subsections 2 and 3 of this section shall provide for all of the electric power and energy and delivery services requirements of the aluminum smelter and shall meet the following criteria:

- (1) The aluminum smelting facility's change of supplier shall have no negative financial impact on any past supplier or suppliers or to other electricity customers of such supplier or suppliers;
- (2) The supply arrangements made by the aluminum smelting facility when operated in coordination with the local electric infrastructure shall not reduce the reliability of service to other customers or the safety of any person;

(3) The aluminum smelting facility's change of electric supplier shall not cause a reduction in tax revenue to the state of Missouri or any political subdivision;

(4) No billing or metering functions of any municipally owned utility will be changed or affected as a result of a change of electric supplier by such aluminum smelting facility.

5. No local electric service utility provider of electric power and energy or delivery services shall have any obligation to supply or deliver backup, peaking or emergency power to a aluminum smelting facility exercising its rights under this section, nor liability for inability or failure to provide such power, except as may be established by written contract.

6. Once an aluminum smelting facility has purchased electric power pursuant to its rights pursuant to this section, no past supplier of energy and related services shall have any obligation to provide electric power and energy and delivery services to such aluminum smelting facility except as may be established by written contract.

7. The provisions of this section recognize highly unique circumstances of aluminum smelting facilities and are not to be interpreted as condoning or conceding the suitability of retail electric restructuring for any customer or class of customers in the state of Missouri.

**91.030. CITIES MAY PURCHASE LIGHT AND POWER, AND ANCILLARY SERVICES.** — Any city, town or village in this state, having authority to maintain and operate an electric light and power plant, may procure electric current **and ancillary services** for that purpose from any other city, owning and operating such plant, **or other lawful supplier** and to that end may enter into a contract therefor with such city **or other supplier** having such plant **for such period and upon such terms as may be agreed by the contracting parties solely on the approval by the governing board or council of such municipality owned or operated electric power system or by its duly authorized representative without further regulatory or public approval, notwithstanding any provisions of law to the contrary.**

**SECTION B. EMERGENCY CLAUSE.** — Because immediate action is necessary in order to ensure the continued operation of certain aluminum smelting facilities in this state, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved May 22, 2003

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SB 556 [HCS SS SS SCS SB 556 & 311]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Modifies various provisions relating to the protection of the elderly.**

AN ACT to repeal sections 197.725, 198.006, 198.015, 198.022, 198.032, 198.036, 198.067, 198.070, 198.082, 198.086, 198.105, 198.525, 198.526, 198.532, 565.186, 565.188, 570.145, 630.140, 630.165, 630.167, 660.078, 660.250, 660.261, 660.270, 660.300, 660.305, 660.315, 660.317, 660.320, and 660.603, RSMo, and to enact in lieu thereof forty-two new sections relating to the protection of the elderly, with penalty provisions.

SECTION

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- A. Enacting clause.
- 197.416. Out-of-state applicants for licensure, compliance history may be requested.
- 197.478. Home health agency information to be provided on department Internet web site.
- 197.500. Employee disqualification list to be maintained.
- 198.006. Definitions.
- 198.015. License, when required — duration — content — effect of change of ownership — temporary permits — penalty for violation.
- 198.022. Duty of department on receipt of application — duty upon denial — department may copy records at its expense — removal of records prohibited — inspection, when — court order to inspect — out-of-state applicants, compliance history may be requested.
- 198.027. On-site revisit not required, when.
- 198.030. Posting of inspection reports at the facility.
- 198.032. Records, what confidential, what subject to disclosure — procedure — central registry to receive complaints of abuse and neglect, procedure — hot line caller log to be maintained.
- 198.036. Revocation of license — grounds — notice required.
- 198.066. Sanctions for violations authorized.
- 198.067. Noncompliance with law — injunction, when — civil penalties, how calculated, where deposited.
- 198.070. Abuse or neglect of residents — reports, when, by whom — contents of report — failure to report, penalty — investigation, referral of complaint, removal of resident — confidentiality of report — immunity, exception — prohibition against retaliation — penalty — employee list — self-reporting of incidents, investigations, when.
- 198.071. Death of a resident, persons to contact prior to transfer of deceased.
- 198.082. Nursing assistant training programs — training incomplete, special requirements and supervision for assistant beginning duties.
- 198.086. Demonstration project, Alzheimer's licensure category — department duties — accommodations for family members.
- 198.105. Petition for appointment of receiver, contents — hearing — appointment of receiver.
- 198.301. Whistleblower protection for employees — availability of information on rights of persons retaliated against.
- 198.428. Medicaid eligibility presumed pending approval or denial of application, when.
- 198.525. Inspection of certain long-term care facilities, when.
- 198.526. Biannual inspections — reevaluation of inspection process — reduction in inspection schedule, when — disclosure of inspection schedule limited, penalty for violation.
- 198.528. Long-term care facility information to be provided on department Internet web site.
- 198.532. Investigation of complaints — results provided, when.
- 198.600. Uniform data management pilot program established, purpose, monitoring.
- 565.186. Investigation of elder abuse — report.
- 565.188. Report of elder abuse, penalty — false report, penalty — evidence of prior convictions.
- 570.145. Financial exploitation of the elderly and disabled, penalty — definitions.
- 630.140. Records confidential, when — may be disclosed, to whom, how, when — release to be documented — court records confidential, exceptions.
- 630.165. Suspected abuse of patient, report, by whom made, contents — effect of failure to report — penalty.
- 630.167. Investigation of report, when made, by whom — abuse prevention by removal, procedure — reports confidential, privileged, exceptions — immunity of reporter, notification — retaliation prohibited — administrative discharge of employee, appeal procedure.
- 660.078. Tax refund credited to home delivered meals trust fund — contributions accepted — director of revenue to transfer contributions, trust fund created — state treasurer to administer fund.
- 660.250. Definitions.
- 660.261. Investigations of reports of eligible adults between eighteen and fifty-nine, department procedures.
- 660.270. Procedure when abuse, neglect or physical harm may be involved — remedies.
- 660.300. Report of abuse or neglect of in-home services or home health agency client, duty — penalty — contents of report — investigation, procedure — confidentiality of report — immunity — retaliation prohibited, penalty — employee disqualification list — safe-at-home evaluations, procedure.
- 660.305. In-home services client, misappropriation of property, report — investigation — penalty — confidentiality of report — immunity — retaliation prohibited — employee disqualification list.
- 660.310. Alteration of in-home services provider agency contracts, procedure — letters of censure — staying of suspensions — appeal process.
- 660.315. Employee disqualification list, notification of placement, contents — challenge of allegation, procedure — hearing, procedure — appeal — removal of name from list — list provided to whom — prohibition of employment.
- 660.317. Criminal background checks of employees, required when — persons with criminal history not to be hired, when, penalty — failure to disclose, penalty — definitions — rules to waive hiring restrictions.
- 660.320. Prohibition against disclosure of reports, exceptions — employment security provided reports upon request.
- 660.321. Confidentiality of records, records disclosed, when.

660.603. Office of state ombudsman for long-term care facility residents created in department of health and senior services — purpose — powers and duties.

197.725. Necessary provider hospital, defined, license — rules.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 197.725, 198.006, 198.015, 198.022, 198.032, 198.036, 198.067, 198.070, 198.082, 198.086, 198.105, 198.525, 198.526, 198.532, 565.186, 565.188, 570.145, 630.140, 630.165, 630.167, 660.078, 660.250, 660.261, 660.270, 660.300, 660.305, 660.315, 660.317, 660.320, and 660.603, RSMo, are repealed and forty-two new sections enacted in lieu thereof, to be known as sections 197.416, 197.478, 197.500, 198.006, 198.015, 198.022, 198.027, 198.030, 198.032, 198.036, 198.066, 198.067, 198.070, 198.071, 198.082, 198.086, 198.105, 198.301, 198.428, 198.525, 198.526, 198.528, 198.532, 198.600, 565.186, 565.188, 570.145, 630.140, 630.165, 630.167, 660.078, 660.250, 660.261, 660.270, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320, 660.321, and 660.603 to read as follows:

**197.416. OUT-OF-STATE APPLICANTS FOR LICENSURE, COMPLIANCE HISTORY MAY BE REQUESTED.** — Whenever the department is inspecting a home health agency in response to an application from an applicant located outside of Missouri not previously licensed by the department, the department may request from the applicant the past five years compliance history of all home health agencies owned by the applicant located outside of this state.

**197.478. HOME HEALTH AGENCY INFORMATION TO BE PROVIDED ON DEPARTMENT INTERNET WEB SITE.** — 1. The department of health and senior services shall provide through their Internet web site:

(1) The most recent survey of all home health agencies and any such findings of deficiencies and the effect the deficiency would have on such agencies. If such survey is in dispute, the survey shall not be posted on the web site until the agency's dispute has been resolved and the department shall, upon request of the home health agency, post the agency's response;

(2) The home health agency's proposed plan of correction;

(3) A link to the federal web site that provides a summary of home health agency surveys conducted over the last three years; and

(4) Information on how to obtain a copy of a complete home health agency survey conducted over the last three years.

2. Nothing in this section shall be construed as requiring the department to post any information on its Internet web site that is prohibited from disclosure pursuant to the federal Health Insurance Portability and Accountability Act, as amended.

**197.500. EMPLOYEE DISQUALIFICATION LIST TO BE MAINTAINED.** — 1. The department shall maintain an employee disqualification list and place on the employee disqualification list the names of any persons who are or who have been employed by any entity licensed pursuant to this chapter and who have been finally determined by the department pursuant to section 660.315, RSMo, to have knowingly or recklessly abused or neglected a patient. For the purpose of this section, "abuse" and "neglect" shall have the same meanings as such terms are defined in section 198.006, RSMo. For purposes of this section only, "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section. A person acts "knowingly" with respect to the person's conduct when a reasonable person should be aware of the result caused by his or her conduct. A person acts "recklessly" when the person consciously disregards a substantial and unjustifiable risk that the person's conduct will result in serious physical injury and such

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disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation.

2. The department shall compile and maintain an employee disqualification list in the same manner as the employee disqualification list compiled and maintained by the department pursuant to section 660.315, RSMo.

**198.006. DEFINITIONS.** — As used in sections 198.003 to 198.186, unless the context clearly indicates otherwise, the following terms mean:

- (1) "Abuse", the infliction of physical, sexual, or emotional injury or harm;
- (2) "Administrator", the person who is in general administrative charge of a facility;
- (3) "Affiliate":
  - (a) With respect to a partnership, each partner thereof;
  - (b) With respect to a limited partnership, the general partner and each limited partner with an interest of five percent or more in the limited partnership;
  - (c) With respect to a corporation, each person who owns, holds or has the power to vote, five percent or more of any class of securities issued by the corporation, and each officer and director;
  - (d) With respect to a natural person, any parent, child, sibling, or spouse of that person;
- (4) "Department", the Missouri department of [social services] **health and senior services**;
- (5) "Emergency", a situation, physical condition or one or more practices, methods or operations which presents imminent danger of death or serious physical or mental harm to residents of a facility;
- (6) "Facility", any residential care facility I, residential care facility II, immediate care facility, or skilled nursing facility;
- (7) "Health care provider", any person providing health care services or goods to residents and who receives funds in payment for such goods or services under Medicaid;
- (8) "Intermediate care facility", any premises, other than a residential care facility I, residential care facility II, or skilled nursing facility, which is utilized by its owner, operator, or manager to provide twenty-four hour accommodation, board, personal care, and basic health and nursing care services under the daily supervision of a licensed nurse and under the direction of a licensed physician to three or more residents dependent for care and supervision and who are not related within the fourth degree of consanguinity or affinity to the owner, operator or manager of the facility;
- (9) "Manager", any person other than the administrator of a facility who contracts or otherwise agrees with an owner or operator to supervise the general operation of a facility, providing such services as hiring and training personnel, purchasing supplies, keeping financial records, and making reports;
- (10) "Medicaid", medical assistance under section 208.151, RSMo, et seq., in compliance with Title XIX, Public Law 89-97, 1965 amendments to the Social Security Act (42 U.S.C. 301 et seq.), as amended;
- (11) "Neglect", the failure to provide, by those responsible for the care, custody, and control of a resident in a facility, the services which are reasonable and necessary to maintain the physical and mental health of the resident, when such failure presents either an imminent danger to the health, safety or welfare of the resident or a substantial probability that death or serious physical harm would result;
- (12) "Operator", any person licensed or required to be licensed under the provisions of sections 198.003 to 198.096 in order to establish, conduct or maintain a facility;
- (13) "Owner", any person who owns an interest of five percent or more in:
  - (a) The land on which any facility is located;
  - (b) The structure or structures in which any facility is located;
  - (c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure in or on which a facility is located; or

(d) Any lease or sublease of the land or structure in or on which a facility is located. "Owner" does not include a holder of a debenture or bond purchased at public issue nor does it include any regulated lender unless the entity or person directly or through a subsidiary operates a facility;

(14) "Resident", a person who by reason of aging, illness, disease, or physical or mental infirmity receives or requires care and services furnished by a facility and who resides or boards in or is otherwise kept, cared for, treated or accommodated in such facility for a period exceeding twenty-four consecutive hours;

(15) "Residential care facility I", any premises, other than a residential care facility II, intermediate care facility, or skilled nursing facility, which is utilized by its owner, operator or manager to provide twenty-four hour care to three or more residents, who are not related within the fourth degree of consanguinity or affinity to the owner, operator, or manager of the facility and who need or are provided with shelter, board, and with protective oversight, which may include storage and distribution or administration of medications and care during short-term illness or recuperation;

(16) "Residential care facility II", any premises, other than a residential care facility I, an intermediate care facility, or a skilled nursing facility, which is utilized by its owner, operator or manager to provide twenty-four hour accommodation, board, and care to three or more residents who are not related within the fourth degree of consanguinity or affinity to the owner, operator, or manager of the facility, and who need or are provided with supervision of diets, assistance in personal care, storage and distribution or administration of medications, supervision of health care under the direction of a licensed physician, and protective oversight, including care during short-term illness or recuperation;

(17) "Skilled nursing facility", any premises, other than a residential care facility I, a residential care facility II, or an intermediate care facility, which is utilized by its owner, operator or manager to provide for twenty-four hour accommodation, board and skilled nursing care and treatment services to at least three residents who are not related within the fourth degree of consanguinity or affinity to the owner, operator or manager of the facility. Skilled nursing care and treatment services are those services commonly performed by or under the supervision of a registered professional nurse for individuals requiring twenty-four hours a day care by licensed nursing personnel including acts of observation, care and counsel of the aged, ill, injured or infirm, the administration of medications and treatments as prescribed by a licensed physician or dentist, and other nursing functions requiring substantial specialized judgment and skill;

(18) "Vendor", any person selling goods or services to a health care provider.

**198.015. LICENSE, WHEN REQUIRED — DURATION — CONTENT — EFFECT OF CHANGE OF OWNERSHIP — TEMPORARY PERMITS — PENALTY FOR VIOLATION. — 1.** No person shall establish, conduct or maintain a residential care facility I, residential care facility II, intermediate care facility, or skilled nursing facility in this state without a valid license issued by the department. Any person violating this subsection is guilty of a class A misdemeanor. **Any person violating this subsection wherein abuse or neglect of a resident of the facility has occurred is guilty of a class D felony. The department of health and senior services shall investigate any complaint concerning operating unlicensed facilities. For complaints alleging abuse or neglect, the department shall initiate an investigation within twenty-four hours. All other complaints regarding unlicensed facilities shall be investigated within forty-five days.**

**2. If the department determines the unlicensed facility is in violation of sections 198.006 to 198.186, the department shall immediately notify the local prosecuting attorney or attorney general's office.**

**3.** Each license shall be issued only for the premises and persons named in the application. A license, unless sooner revoked, shall be issued for a period of up to two years, in order to coordinate licensure with certification in accordance with section 198.045.

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[3.] 4. If during the period in which a license is in effect, a licensed operator which is a partnership, limited partnership, or corporation undergoes any of the following changes, or a new corporation, partnership, limited partnership or other entity assumes operation of a facility whether by one or by more than one action, the current operator shall notify the department of the intent to change operators and the succeeding operator shall within ten working days of such change apply for a new license:

- (1) With respect to a partnership, a change in the majority interest of general partners;
- (2) With respect to a limited partnership, a change in the general partner or in the majority interest of limited partners;
- (3) With respect to a corporation, a change in the persons who own, hold or have the power to vote the majority of any class of securities issued by the corporation.

[4.] 5. Licenses shall be posted in a conspicuous place on the licensed premises.

[5.] 6. Any license granted shall state the maximum resident capacity for which granted, the person or persons to whom granted, the date, the expiration date, and such additional information and special limitations as the department by rule may require.

[6.] 7. The department shall notify the operator at least sixty days prior to the expiration of an existing license of the date that the license application is due. Application for a license shall be made to the department at least thirty days prior to the expiration of any existing license.

[7.] 8. The department shall grant an operator a temporary operating permit in order to allow for state review of the application and inspection for the purposes of relicensure if the application review and inspection process has not been completed prior to the expiration of a license and the operator is not at fault for the failure to complete the application review and inspection process.

[8.] 9. The department shall grant an operator a temporary operating permit of sufficient duration to allow the department to evaluate any application for a license submitted as a result of any change of operator.

**198.022. DUTY OF DEPARTMENT ON RECEIPT OF APPLICATION — DUTY UPON DENIAL — DEPARTMENT MAY COPY RECORDS AT ITS EXPENSE — REMOVAL OF RECORDS PROHIBITED — INSPECTION, WHEN — COURT ORDER TO INSPECT — OUT-OF-STATE APPLICANTS, COMPLIANCE HISTORY MAY BE REQUESTED.** — 1. Upon receipt of an application for a license to operate a facility, the department shall review the application, investigate the applicant and the statements sworn to in the application for license and conduct any necessary inspections. A license shall be issued if the following requirements are met:

- (1) The statements in the application are true and correct;
- (2) The facility and the operator are in substantial compliance with the provisions of sections 198.003 to 198.096 and the standards established thereunder;
- (3) The applicant has the financial capacity to operate the facility;
- (4) The administrator of a residential care facility II, a skilled nursing facility, or an intermediate care facility is currently licensed under the provisions of chapter 344, RSMo;
- (5) Neither the operator nor any principals in the operation of the facility have ever been convicted of a felony offense concerning the operation of a long-term health care facility or other health care facility or ever knowingly acted or knowingly failed to perform any duty which materially and adversely affected the health, safety, welfare or property of a resident, while acting in a management capacity. The operator of the facility or any principal in the operation of the facility shall not be under exclusion from participation in the title XVIII (Medicare) or title XIX (Medicaid) program of any state or territory;
- (6) Neither the operator nor any principals involved in the operation of the facility have ever been convicted of a felony in any state or federal court arising out of conduct involving either management of a long-term care facility or the provision or receipt of health care;
- (7) All fees due to the state have been paid.

2. Upon denial of any application for a license, the department shall so notify the applicant in writing, setting forth therein the reasons and grounds for denial.

3. The department may inspect any facility and any records and may make copies of records, at the facility, at the department's own expense, required to be maintained by sections 198.003 to 198.096 or by the rules and regulations promulgated thereunder at any time if a license has been issued to or an application for a license has been filed by the operator of such facility. **Copies of any records requested by the department shall be prepared by the staff of such facility within two business days or as determined by the department. The department shall not remove or disassemble any medical record during any inspection of the facility, but may observe the photocopying or may make its own copies if the facility does not have the technology to make the copies. In accordance with the provisions of section 198.525,** the department shall make at least two inspections per year, at least one of which shall be unannounced to the operator. The department may make such other inspections, announced or unannounced, as it deems necessary to carry out the provisions of sections 198.003 to 198.136.

4. Whenever the department has reasonable grounds to believe that a facility required to be licensed under sections 198.003 to 198.096 is operating without a license, and the department is not permitted access to inspect the facility, or when a licensed operator refuses to permit access to the department to inspect the facility, the department shall apply to the circuit court of the county in which the premises is located for an order authorizing entry for such inspection, and the court shall issue the order if it finds reasonable grounds for inspection or if it finds that a licensed operator has refused to permit the department access to inspect the facility.

**5. Whenever the department is inspecting a facility in response to an application from an operator located outside of Missouri not previously licensed by the department, the department may request from the applicant the past five years compliance history of all facilities owned by the applicant located outside of this state.**

**198.027. ON-SITE REVISIT NOT REQUIRED, WHEN. — If a facility submits satisfactory documentation that establishes correction of any deficiency contained within the written report of deficiency required by section 198.026, an on-site revisit of such deficiency may not be required.**

**198.030. POSTING OF INSPECTION REPORTS AT THE FACILITY. — Every residential care facility I, residential care facility II, intermediate care facility, and skilled nursing facility shall post the most recent inspection report of the facility in a conspicuous place. If the operator determines that the inspection report of the facility contains individually identifiable health information, the operator may redact such information prior to posting the inspection report.**

**198.032. RECORDS, WHAT CONFIDENTIAL, WHAT SUBJECT TO DISCLOSURE — PROCEDURE — CENTRAL REGISTRY TO RECEIVE COMPLAINTS OF ABUSE AND NEGLECT, PROCEDURE — HOT LINE CALLER LOG TO BE MAINTAINED. — 1.** Nothing contained in sections 198.003 to 198.186 shall permit the public disclosure by the department of confidential medical, social, personal or financial records of any resident in any facility, except when disclosed in a manner which does not identify any resident, or when ordered to do so by a court of competent jurisdiction. Such records shall be accessible without court order for examination and copying only to the following persons or offices, or to their designees:

- (1) The department or any person or agency designated by the department;
  - (2) The attorney general;
  - (3) The department of mental health for residents placed through that department;
  - (4) Any appropriate law enforcement agency;
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(5) The resident, [his] **the resident's** guardian, or any other person designated by the resident; and

(6) Appropriate committees of the general assembly and the state auditor, but only to the extent of financial records which the operator is required to maintain pursuant to sections 198.088 and 198.090.

2. Inspection reports and written reports of investigations of complaints, of substantiated reports of abuse and neglect received in accordance with section 198.070, and complaints received by the department relating to the quality of care of facility residents, shall be accessible to the public for examination and copying, provided that such reports are disclosed in a manner which does not identify the complainant or any particular resident. Records and reports shall clearly show what steps the department and the institution are taking to resolve problems indicated in said inspections, reports and complaints.

3. The department shall maintain a central registry capable of receiving and maintaining reports received in a manner that facilitates rapid access and recall of the information reported, and of subsequent investigations and other relevant information. The department shall electronically record **and maintain a hotline caller log for the reporting of suspected abuse and neglect in long-term care facilities.** Any telephone report of suspected abuse and neglect received by the department and such recorded reports shall be retained by the department for a period of one year after recording. **The department shall in all cases attempt to obtain the name of any person making a report after obtaining relevant information regarding the alleged abuse or neglect. The department shall also attempt to obtain the address of any person making a report. The identity of the person making the report shall remain confidential.**

[4. Although reports to the central registry may be made anonymously, the department shall in all cases, after obtaining relevant information regarding the alleged abuse or neglect, attempt to obtain the name and address of any person making a report.]

**198.036. REVOCATION OF LICENSE — GROUNDS — NOTICE REQUIRED.** — 1. The department may revoke a license in any case in which it finds that [the operator]:

(1) **The operator** failed or refused to comply with class I or II standards, as established by the department pursuant to section 198.085; or failed or refused to comply with class III standards as established by the department pursuant to section 198.085, where the aggregate effect of such noncompliances presents either an imminent danger to the health, safety or welfare of any resident or a substantial probability that death or serious physical harm would result;

(2) **The operator** refused to allow representatives of the department to inspect the facility for compliance with standards **or denied representatives of the department access to residents and employees necessary to carry out the duties set forth in this chapter and rules promulgated thereunder, except where employees of the facility are in the process of rendering immediate care to a resident of such facility;**

(3) **The operator** knowingly acted or knowingly omitted any duty in a manner which would materially and adversely affect the health, safety, welfare or property of a resident; [or]

(4) **The operator** demonstrated financial incapacity to operate and conduct the facility in accordance with the provisions of sections 198.003 to 198.096[.];

(5) **The operator or any principals in the operation of the facility have ever been convicted of, or pled guilty or nolo contendere to a felony offense concerning the operation of a long-term health care facility or other health care facility, or ever knowingly acted or knowingly failed to perform any duty which materially and adversely affected the health, safety, welfare, or property of a resident while acting in a management capacity. The operator of the facility or any principal in the operation of the facility shall not be under exclusion from participation in the Title XVIII (Medicare) or Title XIX (Medicaid) program of any state or territory; or**

(6) The operator or any principals involved in the operation of the facility have ever been convicted of or pled guilty or nolo contendere to a felony in any state or federal court arising out of conduct involving either management of a long-term care facility or the provision or receipt of health care.

2. Nothing in subdivision (2) of subsection 1 of this section shall be construed as allowing the department access to information not necessary to carry out the duties set forth in sections 198.006 to 198.186.

3. Upon revocation of a license, the director of the department shall so notify the operator in writing, setting forth the reason and grounds for the revocation. Notice of such revocation shall be sent either by certified mail, return receipt requested, to the operator at the address of the facility, or served personally upon the operator. The department shall provide the operator notice of such revocation at least ten days prior to its effective date.

**198.066. SANCTIONS FOR VIOLATIONS AUTHORIZED.** — To encourage compliance with the provisions of this chapter and any rules promulgated thereto, the department of health and senior services shall impose sanctions commensurate with the seriousness of the violation which occurred. For class I, II, or III violations, the following remedies may be imposed:

- (1) A plan of correction;
- (2) Additional directed staff training;
- (3) State monitoring;
- (4) A directed plan of correction;
- (5) Denial of payment for new Medicaid admissions;
- (6) A probationary license and consent agreement as described in section 198.026;
- (7) Recovery of civil monetary penalties pursuant to section 198.067;
- (8) Denial of payment for all new admissions;
- (9) Receivership pursuant to section 198.105; or
- (10) License revocation.

**198.067. NONCOMPLIANCE WITH LAW — INJUNCTION, WHEN — CIVIL PENALTIES, HOW CALCULATED, WHERE DEPOSITED.** — 1. An action may be brought by the department, or by the attorney general on his or her own volition or at the request of the department or any other appropriate state agency, to temporarily or permanently enjoin or restrain any violation of sections 198.003 to 198.096, to enjoin the acceptance of new residents until substantial compliance with sections 198.003 to 198.096 is achieved, or to enjoin any specific action or practice of the facility. Any action brought pursuant to the provisions of this section shall be placed at the head of the docket by the court, and the court shall hold a hearing on any action brought pursuant to the provisions of this section no less than fifteen days after the filing of the action.

2. The department may bring an action in circuit court to recover a civil penalty against the licensed operator of the facility as provided by this section. Such action shall be brought in the circuit court for the county in which the facility is located. The circuit court shall determine the amount of penalty to be assessed within the limits set out in this section. Appeals may be taken from the judgment of the circuit court as in other civil cases.

3. The operator of any facility which has been cited with a violation of sections 198.003 to 198.096 or the regulations established pursuant thereto, or of subsection (b), (c), or (d) of Section 1396r of Title 42 of the United States Code or the regulations established pursuant thereto, is liable to the state for civil penalties of up to [ten] **twenty-five** thousand dollars for each day that the violations existed or continue to exist. Violations shall be presumed to continue to exist from the time they are found until the time the [division of aging] **department of health and senior services** finds them to have been corrected. **When applicable**, the amount of the penalty shall be determined as follows:

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(1) For each violation of a class I standard **when applicable pursuant to subdivision (6) of this subsection**, not less than one [hundred fifty] **thousand** dollars nor more than [one] **ten** thousand dollars;

(2) For each violation of a class II standard, not less than **two hundred** fifty dollars nor more than [five hundred] **one thousand** dollars;

(3) For each violation of a class III standard, not less than [fifteen dollars] **fifty dollars** nor more than [one] **two** hundred fifty dollars;

(4) For each violation of a federal standard which does not also constitute a violation of a state law or regulation, not less than two hundred fifty dollars nor more than five hundred dollars;

(5) For each specific class I violation by the same operator **at a particular facility** which has been **previously** cited within the past twenty-four months and for each specific class II or III violation by the same operator **at a particular facility** which has been **previously** cited within the past twelve months, double the amount last imposed;

(6) **In accordance with the provisions of this section, if the department imposes a civil monetary penalty for a class I violation, the liability for such penalty shall be incurred immediately upon the imposition of the penalty for the violation regardless of any subsequent correction of the violation by the facility. For class II or III violations, if the department imposes a civil monetary penalty, the liability for such penalty shall be incurred if a breach of a specific state or federal standard or statute remains uncorrected and not in accord with the accepted plan of correction at the time of the reinspection conducted pursuant to subsection 3 of section 198.026 or the regulations established pursuant to Title 42 of the United States Code.**

[As used in this subdivision the term "violation" shall mean a breach of a specific state or federal standard or statute which remains uncorrected and not in accord with the accepted plan of correction at the time of the reinspection conducted pursuant to subsection 3 of section 198.026 or the regulations established pursuant to Title 42 of the United States Code.] A judgment rendered against the operator of a facility pursuant to this subsection shall bear interest as provided in subsection 1 of section 408.040, RSMo.

4. Any individual who willfully and knowingly certifies pursuant to subsection (b)(3)(B)(i) of Section 1396r of Title 42 of the United States Code a material and false statement in a resident assessment is subject to a civil penalty of not more than one thousand dollars with respect to each assessment. Any individual who willfully and knowingly causes another individual to certify pursuant to subsection (b)(3)(B)(i) of Section 1396r of Title 42 of the United States Code a material and false statement in a resident assessment is subject to a civil penalty of not more than five thousand dollars with respect to each assessment.

5. The imposition of any remedy provided for in sections 198.003 to 198.186 shall not bar the imposition of any other remedy.

6. **Twenty-five percent of the** penalties collected pursuant to this section shall be deposited in the [division of aging] elderly home-delivered meals trust fund as established in section 660.078, RSMo. **Twenty-five percent of the penalties collected pursuant to this section shall be deposited in the nursing facility quality of care fund established in section 198.418 to be used for the sole purpose of supporting quality care improvement projects within the office of state ombudsman for long-term care facility residents, established pursuant to section 660.603, RSMo. The remaining fifty percent of the penalties collected pursuant to this section shall be deposited into the nursing facility quality of care fund to be used by the department for the sole purpose of developing a program to assist qualified nursing facilities to improve the quality of service to their residents. The director of the department shall, by rule, develop a definition of qualified facilities and shall establish procedures for the selection of qualified facilities. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the**

provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void. Such penalties shall not be considered a charitable contribution for tax purposes.

7. To recover any civil penalty, the moving party shall prove by clear and convincing evidence that the violation occurred.

8. The licensed operator of a facility against whom an action to recover a civil penalty is brought pursuant to this section may confess judgment as provided in section 511.070, RSMo, at any time prior to hearing. If such licensed operator agrees to confess judgment, the amount of the civil penalty recommended by the moving party in its petition shall be reduced by twenty-five percent and the confessed judgment shall be entered by the circuit court at the reduced amount.

9. The amount of any civil penalty assessed by the circuit court pursuant to this section shall be reduced by the amount of any civil monetary penalty which the licensed operator of the facility may establish it has paid pursuant to the laws of the United States for the breach of the same federal standards for which the state action is brought.

10. In addition to the civil penalties specified in subdivision (1) of subsection 3 of this section, any facility which is cited with a violation of a class I standard pursuant to subsection 1 of section 198.085, when such violation results in serious physical injury or abuse of a sexual nature pursuant to subdivision (1) of section 198.006, to any resident of that facility shall be liable to the state for a civil penalty of one hundred dollars multiplied by the number of beds licensed to the facility, up to a maximum of ten thousand dollars pursuant to subsections 1 and 2 of this section. The liability of the facility for civil penalties pursuant to this section shall be incurred immediately upon the citation of the violation and shall not be affected by any subsequent correction of the violation. For the purposes of this section, "serious physical injury" means physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

**11. The department shall not impose a fine for self-reporting class II and class III violations so long as each violation is corrected within a specified period of time as determined by the department and there is no reoccurrence of the particular violation for twelve months following the date of the first self-reporting.**

**12. If a facility is sold or changes its operator, any civil penalty assessed shall not be sold, transferred, or otherwise assigned to the successor operator but shall remain the sole liability of the operator at the time of the violation.**

**198.070. ABUSE OR NEGLECT OF RESIDENTS — REPORTS, WHEN, BY WHOM — CONTENTS OF REPORT — FAILURE TO REPORT, PENALTY — INVESTIGATION, REFERRAL OF COMPLAINT, REMOVAL OF RESIDENT — CONFIDENTIALITY OF REPORT — IMMUNITY, EXCEPTION — PROHIBITION AGAINST RETALIATION — PENALTY — EMPLOYEE LIST — SELF-REPORTING OF INCIDENTS, INVESTIGATIONS, WHEN. — 1. When any [physician, dentist, chiropractor, optometrist, podiatrist, intern, nurse, medical examiner, social worker, psychologist, minister, Christian Science practitioner, peace officer, pharmacist, physical therapist, facility administrator, employee in a facility, or employee of the department of social services or of the department of mental health, coroner, dentist, hospital and clinic personnel engaged in examination, other health practitioners, mental health professional, adult day care worker, probation or parole officer, law enforcement official] **adult day care worker; chiropractor; Christian Science practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental health, or health and senior services; employee of a local area agency on aging or an organized area agency on aging program; funeral****

director; home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; medical examiner; medical resident or intern; mental health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist; probation or parole officer; psychologist; social worker; or other person with the care of a person sixty years of age or older or an eligible adult has reasonable cause to believe that a resident of a facility has been abused or neglected, he or she shall immediately report or cause a report to be made to the department.

2. The report shall contain the name and address of the facility, the name of the resident, information regarding the nature of the abuse or neglect, the name of the complainant, and any other information which might be helpful in an investigation.

3. Any person required in subsection 1 of this section to report or cause a report to be made to the department who knowingly fails to make a report within a reasonable time after the act of abuse or neglect as required in this subsection is guilty of a class A misdemeanor.

4. **In addition to the penalties imposed by this section, any administrator who knowingly conceals any act of abuse or neglect resulting in death or serious physical injury, as defined in section 565.002, RSMo, is guilty of a class D felony.**

5. In addition to those persons required to report pursuant to subsection 1 of this section, any other person having reasonable cause to believe that a resident has been abused or neglected may report such information to the department.

[5.] 6. Upon receipt of a report, the department shall initiate an investigation within twenty-four hours and, as soon as possible during the course of the investigation, shall notify the resident's next of kin or responsible party of the report and the investigation and further notify them whether the report was substantiated or unsubstantiated **unless such person is the alleged perpetrator of the abuse or neglect.** As provided in section 565.186, RSMo, substantiated reports of elder abuse shall be promptly reported by the department to the appropriate law enforcement agency and prosecutor.

[6.] 7. If the investigation indicates possible abuse or neglect of a resident, the investigator shall refer the complaint together with the investigator's report to the department director or the director's designee for appropriate action. If, during the investigation or at its completion, the department has reasonable cause to believe that immediate removal is necessary to protect the resident from abuse or neglect, the department or the local prosecuting attorney may, or the attorney general upon request of the department shall, file a petition for temporary care and protection of the resident in a circuit court of competent jurisdiction. The circuit court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the department authority for the temporary care and protection of the resident, for a period not to exceed thirty days.

[7.] 8. Reports shall be confidential, as provided pursuant to section 660.320, RSMo.

[8.] 9. Anyone, **except any person who has abused or neglected a resident in a facility,** who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil or criminal liability for making such a report or for testifying except for liability for perjury, unless such person acted **negligently, recklessly,** in bad faith or with malicious purpose. It is a crime pursuant to section 565.186 and 565.188, RSMo, for any person to purposely file a false report of elder abuse or neglect.

[9.] 10. Within five working days after a report required to be made pursuant to this section is received, the person making the report shall be notified in writing of its receipt and of the initiation of the investigation.

[10.] 11. No person who directs or exercises any authority in a facility shall evict, harass, dismiss or retaliate against a resident or employee because such resident or employee or any

member of such resident's or employee's family has made a report of any violation or suspected violation of laws, ordinances or regulations applying to the facility which the resident, the resident's family or an employee has reasonable cause to believe has been committed or has occurred. Through the existing [division of aging] **department** information and referral telephone contact line, residents, their families and employees of a facility shall be able to obtain information about their rights, protections and options in cases of eviction, harassment, dismissal or retaliation due to a report being made pursuant to this section.

[11.] **12.** Any person who [knowingly] abuses or neglects a resident of a facility [shall be guilty of a class D felony] **is subject to criminal prosecution under section 565.180, 565.182, or 565.184, RSMo.**

[12.] **13.** The department shall maintain the employee disqualification list and place on the employee disqualification list the names of any persons who **are or have been employed in any facility and who have been** finally determined by the department pursuant to section 660.315, RSMo, to have [recklessly, knowingly or purposely abused or neglected a resident while employed in any facility] **knowingly or recklessly abused or neglected a resident. For purposes of this section only, "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section. A person acts "knowingly" with respect to the person's conduct when a reasonable person should be aware of the result caused by his or her conduct. A person acts "recklessly" when the person consciously disregards a substantial and unjustifiable risk that the person's conduct will result in serious physical injury and such disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation.**

[13.] **14.** The timely self-reporting of incidents to the central registry by a facility shall continue to be investigated in accordance with department policy, and shall not be counted or reported by the department as a hot-line call but rather a self-reported incident. If the self-reported incident results in a regulatory violation, such incident shall be reported as a substantiated report.

**198.071. DEATH OF A RESIDENT, PERSONS TO CONTACT PRIOR TO TRANSFER OF DECEASED. — The staff of a residential care facility I, a residential care facility II, an intermediate care facility, or a skilled nursing facility shall attempt to contact the resident's immediate family or a resident's responsible party, and shall contact the attending physician and notify the local coroner or medical examiner immediately upon the death of any resident of the facility prior to transferring the deceased resident to a funeral home.**

**198.082. NURSING ASSISTANT TRAINING PROGRAMS — TRAINING INCOMPLETE, SPECIAL REQUIREMENTS AND SUPERVISION FOR ASSISTANT BEGINNING DUTIES. — 1.** Each nursing assistant hired to work in a skilled nursing or intermediate care facility after January 1, 1980, shall have successfully completed a nursing assistant training program approved by the department or shall enroll in and begin the first available approved training program which is scheduled to commence within ninety days of the date of the nursing assistant's employment **and which shall be completed within four months of employment.** Training programs shall be offered at [a location] **any facility licensed or approved by the department of health and senior services which is** most reasonably accessible to the enrollees in each class. The program may be established by the skilled nursing or intermediate care facility, by a professional organization, or by the department, and training shall be given by the personnel of the facility, by a professional organization, by the department, by any junior college or by the vocational education department of any high school.

2. As used in this section the term "nursing assistant" means an employee, including a nurse's aide or an orderly, who is assigned by a skilled nursing or intermediate care facility to provide or assist in the provision of direct resident health care services under the supervision of a nurse licensed under the nursing practice law, chapter 335, RSMo. This section shall not apply

to any person otherwise licensed to perform health care services under the laws of this state. It shall not apply to volunteers or to members of religious or fraternal orders which operate and administer the facility, if such volunteers or members work without compensation.

3. The training program after January 1, 1989, shall consist of at least the following:

(1) A training program consisting of at least seventy-five classroom hours of training on basic nursing skills, clinical practice, resident safety and rights, the social and psychological problems of residents, and the methods of handling and caring for mentally confused residents such as those with Alzheimer's disease and related disorders, and one hundred hours supervised and on-the-job training. The one hundred hours **shall be completed within four months of employment and** may consist of normal employment as nurse assistants under the supervision of a licensed nurse; and

(2) Continuing in-service training to assure continuing competency in existing and new nursing skills. All nursing assistants trained prior to January 1, 1989, shall attend, by August 31, 1989, an entire special retraining program established by rule or regulation of the department which shall contain information on methods of handling mentally confused residents and which may be offered on premises by the employing facility.

4. Nursing assistants who have not successfully completed the nursing assistant training program prior to employment may begin duties as a nursing assistant only after completing an initial twelve hours of basic orientation approved by the department and may provide direct resident care only if under the general supervision of a licensed nurse prior to completion of the seventy-five classroom hours of the training program.

**198.086. DEMONSTRATION PROJECT, ALZHEIMER'S LICENSURE CATEGORY — DEPARTMENT DUTIES — ACCOMMODATIONS FOR FAMILY MEMBERS. —** 1. The [division of aging] **department of health and senior services** shall develop and implement a demonstration project designed to establish a licensure category for health care facilities that wish to provide treatment to persons with Alzheimer's disease or Alzheimer's related dementia. The division shall also:

(1) Inform potential providers of the demonstration project and seek letters of intent;

(2) Review letters of intent and select provider organizations to participate in the demonstration project. Ten such organizations may develop such projects using an existing license and additional organizations shall be newly licensed facilities with no more than thirty beds per project. One demonstration project shall be at a stand-alone facility of no more than one hundred twenty beds designed and operated exclusively for the care of residents with Alzheimer's disease or dementia within a county of the first classification with a charter form of government with a population over nine hundred thousand. A total of not more than three hundred beds may be newly licensed through the demonstration projects. All projects shall maintain their pilot status until a complete evaluation is completed by the division of aging, in conjunction with a qualified Missouri school or university, and a written determination is made from such evaluation that the pilot project is successful;

(3) Monitor the participants' compliance with the criteria established in this section;

(4) Recommend legislation regarding the licensure of dementia-specific residential care based on the results of the demonstration project; and

(5) Submit a report regarding the division's activities and recommendations for administrative or legislative action on or before November fifteenth of each year to the governor, the president pro tem of the senate and the speaker of the house of representatives.

2. The director of the division of aging shall:

(1) Develop a reimbursement methodology to reasonably and adequately compensate the pilot projects for the costs of operation of the project, and require the filing of annual cost reports by each participating facility which shall include, but not be limited to, the cost equivalent of unpaid volunteer or donated labor;

(2) Process the license applications of project participants;

(3) Monitor each participant to assure its compliance with the requirements and that the life, health and safety of residents are assured;

(4) Require each participating facility to complete a minimum data set form for each resident occupying a pilot bed;

(5) Require the division of aging to assign a single team of the same surveyors to inspect and survey all participating facilities at least twice a year for the entire period of the project; and

(6) Submit to the president pro tem of the senate and speaker of the house of representatives copies of any statements of deficiencies, plans of correction and complaint investigation reports applying to project participants.

3. Project participants shall:

(1) Be licensed by the division of aging;

(2) Provide care only to persons who have been diagnosed with Alzheimer's disease or Alzheimer's related dementia;

(3) Have buildings and furnishings that are designed to provide for the resident's safety. Facilities shall have indoor and outdoor activity areas, and electronically controlled exits from the buildings and grounds to allow residents the ability to explore while preventing them from exiting the facility's grounds unattended;

(4) Be staffed twenty-four hours a day by the appropriate number and type of personnel necessary for the proper care of residents and upkeep of the facility;

(5) Conduct special staff training relating to the needs, care and safety of persons with Alzheimer's disease or Alzheimer's related dementia within the first thirty days of employment;

(6) Utilize personal electronic monitoring devices for any resident whose physician recommends use of such device;

(7) Permit the resident's physician, in consultation with the family members or health care advocates of the resident, to determine whether the facility meets the needs of the resident;

(8) Be equipped with an automatic sprinkler system, in compliance with the National Fire Protection Association Code 13 or National Fire Protection Association Code 13R, and an automated fire alarm system and smoke barriers in compliance with the 1997 Life Safety Codes for Existing Health Care Occupancy; and

(9) Implement a social model for the residential environment rather than an institutional medical model.

4. For purposes of this section, "health care facilities for persons with Alzheimer's disease or Alzheimer's related dementia" means facilities that are specifically designed and operated to provide elderly individuals who have chronic confusion or dementia illness, or both, with a safe, structured but flexible environment that encourages physical activity through a well-developed recreational and aging-in-place, and activity program. Such program shall continually strive to promote the highest practicable physical and mental abilities and functioning of each resident.

**5. Nothing in this section shall be construed to prohibit project participants from accommodating a family member or other caregiver from residing with the resident in accordance with all life, health, and safety standards of the facility.**

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**198.105. PETITION FOR APPOINTMENT OF RECEIVER, CONTENTS — HEARING — APPOINTMENT OF RECEIVER. — 1.**

Any petition for appointment of a receiver shall be verified and shall be accompanied by an affidavit or affidavits setting forth material facts showing there exists one or more of the conditions specified in section 198.099. The petition shall be filed in the circuit court of Cole County or in the county where the facility is located. If the petition is not filed by the attorney general, a copy of the petition shall be served upon the department and upon the attorney general. The court shall hold a hearing on the petition within five days of the filing of the petition and determine the matter within fifteen days of the initial hearing. The petition and notice of the hearing shall be served on the operator or administrator of the facility or, if personal service is impossible, shall be posted in a conspicuous place in the facility not later

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than three days before the time specified for the hearing, unless a different period is fixed by order of the court.

2. The court shall appoint [the director of the department or his designee, or any person determined by the court to be qualified,] **a person, selected in accordance with the provisions of this subsection and the rules promulgated pursuant to this section**, to act as receiver if it finds that any ground exists which would authorize the appointment of a receiver under section 198.099 and that appointment of a receiver will contribute to the continuity of care or the orderly and safe transfer of residents in the facility. **The department shall, within six months of the effective date of this act, promulgate rules to establish guidelines for the determination of qualified receivers, procedures for maintaining the list of qualified receivers that requested in writing to act as a receiver, and the selection or removal of such receivers.** Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

3. The director of the department shall maintain a list of persons who have submitted a written request in accordance with the provisions of this subsection and the rules promulgated by the department to act as receiver pursuant to section 198.099. When a petition is filed seeking the appointment of a receiver, the director of the department shall select the first name on the list. The director of the department shall inform such person of his or her selection, the name of the facility, and the grounds for seeking receivership of such facility. Such person may elect not to be appointed, in which case the director of the department shall choose the next consecutive name on the list, continuing until a person has agreed to serve as the receiver. The director shall provide the name of the person selected and agreeing to serve as the receiver to the judge of the court wherein the petition for receivership is filed. For each additional petition filed seeking the appointment of a receiver, names shall be chosen from the list in consecutive order beginning with the next name that follows the last name chosen. If none of the persons on the list agree to serve as the receiver, the court shall appoint a person determined by the court to be qualified to act as receiver.

**198.301. WHISTLEBLOWER PROTECTION FOR EMPLOYEES — AVAILABILITY OF INFORMATION ON RIGHTS OF PERSONS RETALIATED AGAINST. —** No employee of a nursing home district who directs or exercises any authority in a facility shall evict, harass, dismiss, or retaliate against a resident or employee because such resident or employee or any member of such resident's or employee's family has made a report of any violation or suspected violation of laws, ordinances, or regulations applying to the facility which the resident, the resident's family, or an employee has reasonable cause to believe has been committed or has occurred. Through the existing department information and referral telephone contact line, residents, their families, and employees of a facility shall be able to obtain information about their rights, protections, and options in cases of eviction, harassment, dismissal, or retaliation due to a report being made pursuant to this section.

**198.428. MEDICAID ELIGIBILITY PRESUMED PENDING APPROVAL OR DENIAL OF APPLICATION, WHEN. —** If the division of family services is unable to make a determination regarding Medicaid eligibility for a resident within sixty days of the submission of a completed application for medical assistance for nursing facility services, the patient shall

be Medicaid eligible until the application is approved or denied. However, in no event shall benefits be construed to commence prior to the date of application.

**198.525. INSPECTION OF CERTAIN LONG-TERM CARE FACILITIES, WHEN. — Except as otherwise provided pursuant to section 198.526,** in order to comply with sections 198.012 and 198.022, the department of health and senior services shall inspect **residential care facilities I,** residential care facilities II, intermediate care facilities, and skilled nursing, **including those** facilities attached to acute care hospitals at least twice a year.

**198.526. BIENNIAL INSPECTIONS — REEVALUATION OF INSPECTION PROCESS — REDUCTION IN INSPECTION SCHEDULE, WHEN — DISCLOSURE OF INSPECTION SCHEDULE LIMITED, PENALTY FOR VIOLATION. — 1.** [The division of aging] **Except as provided in subsection 3 of this section, the department of health and senior services** shall inspect all facilities licensed by the [division] **department** at least twice each year. Such inspections shall be conducted:

(1) Without the prior notification of the facility; and  
(2) At times of the day, on dates and at intervals which do not permit facilities to anticipate such inspections.

2. The [division] **department** shall annually reevaluate the inspection process to ensure the requirements of subsection 1 of this section are met.

**3. The department may reduce the frequency of inspections to once a year if a facility is found to be in substantial compliance. The basis for such determination shall include, but not be limited to, the following:**

(1) Previous inspection reports;  
(2) The facility's history of compliance with rules promulgated pursuant to this chapter;  
(3) The number and severity of complaints received about the facility; and  
(4) In the year subsequent to a finding of no class I violations or class II violations, the facility does not have a change in ownership, operator, or, if the department finds it significant, a change in director of nursing.

4. Information regarding unannounced inspections shall be disclosed to employees of the department on a need-to-know basis only. Any employee of the department who knowingly discloses the time of an unannounced inspection in violation of this section is guilty of a class A misdemeanor and shall have his or her employment immediately terminated.

**198.528. LONG-TERM CARE FACILITY INFORMATION TO BE PROVIDED ON DEPARTMENT INTERNET WEB SITE. — 1.** The department of health and senior services shall provide through its Internet web site:

(1) The most recent survey of every long-term care facility licensed in this state and any such findings of deficiencies and the effect the deficiency would have on such facility. If such survey is in dispute, the survey shall not be posted on the web site until the facility's informal dispute resolution process resolves the dispute and the department shall, upon request of the facility, post the facility's response;

(2) The facility's proposed plan of correction;  
(3) A link to the federal web site that provides a summary of facility surveys conducted over the last three years; and  
(4) Information on how to obtain a copy of a complete facility survey conducted over the last three years.

2. Nothing in this section shall be construed as requiring the department to post any information on its Internet web site that is prohibited from disclosure pursuant to the federal Health Insurance Portability and Accountability Act, as amended.

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**198.532. INVESTIGATION OF COMPLAINTS — RESULTS PROVIDED, WHEN. — 1.** Complaints filed with the [division of aging] **department of health and senior services** against a long-term care facility which allege that harm has occurred or is likely to occur to a resident or residents of the facility due to actions or the lack of actions taken by the facility shall be investigated within thirty days of receipt of such complaints. The purpose of such investigation shall be to ensure the safety, protection and care of all residents of the facility likely to be affected by the alleged action or inaction. Such investigation shall be in addition to the investigation requirements for abuse and neglect reports pursuant to section 198.070.

**2.** The [division] **department** shall provide the results of all investigations in accordance with section 660.320, RSMo. The [division] **department** shall provide the results of such investigation in writing to all parties to the complaint, and if requested, to any of the facility's residents, or their family members or guardians. Complaints and written results will be readily available for public access and review at the [division of aging] **department of health and senior services** and at the long-term care facility. Personal information identifying the resident will be blanked out, except in regard to immediate family, the attorney-in-fact or the legal guardian of the resident in question. This information will remain readily available for a period of time determined by the [division of aging] **department of health and senior services**.

**198.600. UNIFORM DATA MANAGEMENT PILOT PROGRAM ESTABLISHED, PURPOSE, MONITORING. — 1.** The department of health and senior services shall establish a "Uniform Data Management Pilot Program" at a minimum of fifty selected facilities of varying licensure or classification throughout the state to improve patient care and retention of nursing facility staff. The department shall determine the nature and extent of the pilot program and provide all necessary resources.

**2.** The pilot program shall be implemented no later than six months after funding for the pilot program is made available.

**3.** The pilot program shall:

(1) Encourage the utilization of existing or the purchase of new software in an effort to modernize the procedures for compiling and disseminating data for long-term care facilities;

(2) Enable physicians, licensed nurses, and facility personnel to devote more quality time to patient care; and

(3) Be established in selected urban, rural, and regional sites throughout the state.

**4.** The department of health and senior services shall monitor the pilot program and report to the general assembly by January first next following the implementation of the pilot program pursuant to this section on the effectiveness of such program, including quality of care, employee satisfaction, and cost-effectiveness.

**565.186. INVESTIGATION OF ELDER ABUSE — REPORT. —** The department of [social services] **health and senior services** shall investigate incidents and reports of elder abuse using the procedures established in sections 660.250 to 660.295, RSMo, and upon substantiation of the report of elder abuse, shall promptly report the incident to the appropriate law enforcement agency and prosecutor and shall determine whether protective services are required pursuant to sections 660.250 to 660.295, RSMo. **If the department is unable to substantiate whether abuse occurred due to the failure of the operator or any of the operator's agents or employees to cooperate with the investigation, the incident shall be promptly reported to appropriate law enforcement agencies.**

**565.188. REPORT OF ELDER ABUSE, PENALTY — FALSE REPORT, PENALTY — EVIDENCE OF PRIOR CONVICTIONS. — 1.** When any [physician, medical examiner, coroner, dentist, chiropractor, optometrist, podiatrist, resident intern, nurse, hospital and clinic personnel engaged in examination, care or treatment of persons, or other health practitioners, psychologists, mental

health professional, social worker, adult day care center worker, nursing home worker, probation or parole officer, Christian Science practitioner, peace officer or law enforcement official,] **adult day care worker; chiropractor; Christian Science practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental health, or health and senior services; employee of a local area agency on aging or an organized area agency on aging program; funeral director; home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; medical examiner; medical resident or intern; mental health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist; probation or parole officer; psychologist; social worker;** or other person with responsibility for the care of a person sixty years of age or older has reasonable cause to suspect that such a person has been subjected to abuse or neglect or observes such a person being subjected to conditions or circumstances which would reasonably result in abuse or neglect, he **or she** shall immediately report or cause a report to be made to the department in accordance with the provisions of sections 660.250 to 660.295, RSMo. Any other person who becomes aware of circumstances which may reasonably be expected to be the result of or result in abuse or neglect may report to the department.

2. Any person who knowingly fails to make a report as required in subsection 1 of this section is guilty of a class A misdemeanor.

3. Any person who purposely files a false report of elder abuse or neglect [shall be] **is** guilty of a class A misdemeanor.

4. Every person who has been previously convicted of or pled guilty to making a false report to the department and who is subsequently convicted of making a false report under subsection 3 of this section is guilty of a class D felony.

5. Evidence of prior convictions of false reporting shall be heard by the court, out of the hearing of the jury, prior to the submission of the case to the jury, and the court shall determine the existence of the prior convictions.

**570.145. FINANCIAL EXPLOITATION OF THE ELDERLY AND DISABLED, PENALTY — DEFINITIONS.** — 1. A person [is guilty of the offense] **commits the crime** of financial exploitation of an elderly or disabled person if such person [stands in a position of trust and confidence with the elderly or disabled person, and such person] knowingly and by deception [or], intimidation, **or force** obtains control over the elderly or disabled person's property with the intent to permanently deprive the elderly or disabled person of the use, benefit or possession of his or her property thereby benefiting such person or detrimentally affecting the elderly or disabled person. Financial exploitation of an elderly or disabled person is a class A misdemeanor if the value of the property is less than [two hundred] fifty dollars [and], a class [C] **D** felony if the value of the property is [two hundred fifty dollars or more] **fifty dollars but less than five hundred dollars, a class C felony if the value of the property is five hundred dollars but less than one thousand dollars, and a class B felony if the value of the property is one thousand dollars or more.**

2. For purposes of this section, the following terms mean:

(1) "Deception", a misrepresentation or concealment of material fact relating to the terms of a contract or agreement entered into with the elderly or disabled person or to the existing or preexisting condition of any of the property involved in such contract or agreement, or the use or employment of any misrepresentation, false pretense or false promise in order to induce, encourage or solicit the elderly or disabled person to enter into a contract or agreement. Deception includes:

(a) Creating or confirming another person's impression which is false and which the offender does not believe to be true; or

(b) Failure to correct a false impression which the offender previously has created or confirmed; or

(c) Preventing another person from acquiring information pertinent to the disposition of the property involved; or

(d) Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record; or

(e) Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not sufficient evidence to prove that the offender did not intend to perform;

(2) "Disabled person", a person who suffers from a physical or mental impairment resulting from disease, injury, functional disorder or congenital condition which renders such person incapable of avoiding or preventing the commission of an offense;

(3) "Elderly person", a person sixty years of age or older who is suffering from a disease or infirmity associated with advanced age and manifested by physical, mental or emotional dysfunctioning to the extent that such person is incapable of avoiding or preventing the commission of the offense;

(4) "Intimidation", the communication to an elderly or disabled person that he or she will be deprived of food and nutrition, shelter, prescribed medication, or medical care and treatment.

3. [For purposes of this section, a person stands in a position of trust and confidence with an elderly or disabled person when such person:

(1) Is a parent, spouse, adult child or other relative by blood or marriage of the elderly or disabled person;

(2) Is a joint tenant or tenant in common with the elderly or disabled person with knowledge of such relationship;

(3) Has a legal or fiduciary relationship with the elderly or disabled person; or

(4) Has a relationship with the elderly or disabled person as a health care or personal care worker.

4.] Nothing in this section shall be construed to limit the remedies available to the victim pursuant to any state law relating to domestic violence.

[5.] 4. Nothing in this section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly or disabled person in the management of his or her property, but through no fault of his or her own has been unable to provide such assistance.

[6.] 5. Nothing in this section shall limit the ability to engage in bona fide estate planning, to transfer property and to otherwise seek to reduce estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly or disabled person has become accustomed at the time of such actions.

[7.] 6. It shall not be a defense to financial exploitation of an elderly or disabled person that the accused reasonably believed that the victim was not an elderly or disabled person.

**630.140. RECORDS CONFIDENTIAL, WHEN — MAY BE DISCLOSED, TO WHOM, HOW, WHEN — RELEASE TO BE DOCUMENTED — COURT RECORDS CONFIDENTIAL, EXCEPTIONS.**

— 1. Information and records compiled, obtained, prepared or maintained by the residential facility, day program operated, funded or licensed by the department or otherwise, specialized service, or by any mental health facility or mental health program in which people may be civilly detained pursuant to chapter 632, RSMo, in the course of providing services to either voluntary or involuntary patients, residents or clients shall be confidential.

2. The facilities or programs shall disclose information and records including medication given, dosage levels, and individual ordering such medication to the following upon their request:

(1) The parent of a minor patient, resident or client;

(2) The guardian or other person having legal custody of the patient, resident or client;

(3) The attorney of a patient, resident or client who is a ward of the juvenile court, an alleged incompetent, an incompetent ward or a person detained under chapter 632, RSMo, as evidenced by court orders of the attorney's appointment;

(4) An attorney or personal physician as authorized by the patient, resident or client;

(5) Law enforcement officers and agencies, information about patients, residents or clients committed pursuant to chapter 552, RSMo, but only to the extent necessary to carry out the responsibilities of their office, and all such law enforcement officers shall be obligated to keep such information confidential;

(6) The entity or agency authorized to implement a system to protect and advocate the rights of persons with developmental disabilities under the provisions of 42 U.S.C. [6042] **Sections 15042 to 15044.** The entity or agency shall be able to obtain access to the records of a person with developmental disabilities who is a client of the entity or agency if such person has authorized the entity or agency to have such access; and the records of any person with developmental disabilities who, by reason of mental or physical condition is unable to authorize the entity or agency to have such access, if such person does not have a legal guardian, conservator or other legal representative, and a complaint has been received by the entity or agency with respect to such person or there is probable cause to believe that such person has been subject to abuse or neglect. The entity or agency obtaining access to a person's records shall meet all requirements for confidentiality as set out in this section;

(7) The entity or agency authorized to implement a system to protect and advocate the rights of persons with mental illness under the provisions of 42 U.S.C. 10801 shall be able to obtain access to the records of a patient, resident or client who by reason of mental or physical condition is unable to authorize the system to have such access, who does not have a legal guardian, conservator or other legal representative and with respect to whom a complaint has been received by the system or there is probable cause to believe that such individual has been subject to abuse or neglect. The entity or agency obtaining access to a person's records shall meet all requirements for confidentiality as set out in this section. The provisions of this subdivision shall apply to a person who has a significant mental illness or impairment as determined by a mental health professional qualified under the laws and regulations of the state;

(8) To mental health coordinators, but only to the extent necessary to carry out their duties under chapter 632, RSMo.

3. The facilities or services may disclose information and records under any of the following:

(1) As authorized by the patient, resident or client;

(2) To persons or agencies responsible for providing health care services to such patients, residents or clients;

(3) To the extent necessary for a recipient to make a claim or for a claim to be made on behalf of a recipient for aid or insurance;

(4) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, program evaluations or similar studies; provided, that such personnel shall not identify, directly or indirectly, any individual patient, resident or client in any report of such research, audit or evaluation, or otherwise disclose patient, resident or client identities in any manner;

(5) To the courts as necessary for the administration of chapter 211, RSMo, 475, RSMo, 552, RSMo, or 632, RSMo;

(6) To law enforcement officers or public health officers, but only to the extent necessary to carry out the responsibilities of their office, and all such law enforcement and public health officers shall be obligated to keep such information confidential;

(7) Pursuant to an order of a court or administrative agency of competent jurisdiction;

(8) To the attorney representing petitioners, but only to the extent necessary to carry out their duties under chapter 632, RSMo;

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(9) To the department of social services **or the department of health and senior services** as necessary to report or have investigated abuse, neglect, or rights violations of patients, residents, or clients;

(10) To a county board established pursuant to sections 205.968 to 205.972, RSMo 1986, but only to the extent necessary to carry out their statutory responsibilities. The county board shall not identify, directly or indirectly, any individual patient, resident or client.

4. The facility or program shall document the dates, nature, purposes and recipients of any records disclosed under this section and sections 630.145 and 630.150.

5. The records and files maintained in any court proceeding under chapter 632, RSMo, shall be confidential and available only to the patient, [his] **the patient's** attorney, guardian, or, in the case of a minor, to a parent or other person having legal custody of the patient, and to the petitioner and [his] **the petitioner's** attorney. In addition, the court may order the release or use of such records or files only upon good cause shown, and the court may impose such restrictions as the court deems appropriate.

6. Nothing contained in this chapter shall limit the rights of discovery in judicial or administrative procedures as otherwise provided for by statute or rule.

7. The fact of admission of a voluntary or involuntary patient to a mental health facility under chapter 632, RSMo, may only be disclosed as specified in subsections 2 and 3 of this section.

**630.165. SUSPECTED ABUSE OF PATIENT, REPORT, BY WHOM MADE, CONTENTS — EFFECT OF FAILURE TO REPORT — PENALTY. —** 1. When any physician, dentist, chiropractor, optometrist, podiatrist, intern, nurse, medical examiner, social worker, psychologist, minister, Christian Science practitioner, peace officer, pharmacist, physical therapist, facility administrator, nurse's aide or orderly in a residential facility, day program or specialized service operated, funded or licensed by the department or in a mental health facility or mental health program in which people may be admitted on a voluntary basis or are civilly detained pursuant to chapter 632, RSMo, or employee of the department has reasonable cause to believe that a patient, resident or client of a facility, program or service has been abused or neglected, he **or she** shall immediately report or cause a report to be made to the department or the department of health and senior services, if such facility or program is licensed pursuant to chapter 197, RSMo.

2. The report shall contain the name and address of the residential facility, day program or specialized service; the name of the patient, resident or client; information regarding the nature of the abuse or neglect; the name of the complainant, and any other information which might be helpful in an investigation.

3. Any person required in subsection 1 of this section to report or cause a report to be made to the department who fails to do so within a reasonable time after the act of abuse or neglect is guilty of an infraction.

4. In addition to those persons required to report under subsection 1 of this section, any other person having reasonable cause to believe that a resident has been abused or neglected may report such information to the department.

**5. Any person who knowingly files a false report of abuse or neglect is guilty of a class A misdemeanor.**

**6. Any person having a prior conviction of filing false reports and who subsequently files a false report of abuse or neglect pursuant to this section or section 565.188, RSMo, is guilty of a class D felony.**

**630.167. INVESTIGATION OF REPORT, WHEN MADE, BY WHOM — ABUSE PREVENTION BY REMOVAL, PROCEDURE — REPORTS CONFIDENTIAL, PRIVILEGED, EXCEPTIONS — IMMUNITY OF REPORTER, NOTIFICATION — RETALIATION PROHIBITED — ADMINISTRATIVE DISCHARGE OF EMPLOYEE, APPEAL PROCEDURE. —** 1. Upon receipt of a report, the department or its agents, contractors or vendors or the department of health and

senior services, if such facility or program is licensed pursuant to chapter 197, RSMo, shall initiate an investigation within twenty-four hours.

2. If the investigation indicates possible abuse or neglect of a patient, resident or client, the investigator shall refer the complaint together with the investigator's report to the department director for appropriate action. If, during the investigation or at its completion, the department has reasonable cause to believe that immediate removal from a facility not operated or funded by the department is necessary to protect the residents from abuse or neglect, the department or the local prosecuting attorney may, or the attorney general upon request of the department shall, file a petition for temporary care and protection of the residents in a circuit court of competent jurisdiction. The circuit court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the department authority for the temporary care and protection of the resident for a period not to exceed thirty days.

3. (1) Reports referred to in section 630.165 and the investigative reports referred to in this section shall be confidential, shall not be deemed a public record, and shall not be subject to the provisions of section 109.180, RSMo, or chapter 610, RSMo; except that[:] complete copies of all such reports shall be open and available to the parents or other guardian of the patient, resident, or client who is the subject of such report, [except that] **but** the names and any other descriptive information of the complainant or other person mentioned in the reports shall not be disclosed unless such complainant or person specifically consents to such disclosure. All reports referred to in this section shall be admissible in any judicial proceedings or hearing in accordance with section 36.390, RSMo, or any administrative hearing before the director of the department of mental health, or the director's designee. All such reports may be disclosed by the department of mental health to law enforcement officers and public health officers, but only to the extent necessary to carry out the responsibilities of their offices, and to the department of social services, **and the department of health and senior services**, and to boards appointed pursuant to sections 205.968 to 205.990, RSMo, that are providing services to the patient, resident or client as necessary to report or have investigated abuse, neglect, or rights violations of patients, residents or clients provided that all such law enforcement officers, public health officers, department of social services' officers, **department of health and senior services' officers**, and boards shall be obligated to keep such information confidential;

(2) Except as otherwise provided in this section, the proceedings, findings, deliberations, reports and minutes of committees of health care professionals as defined in section 537.035, RSMo, or mental health professionals as defined in section 632.005, RSMo, who have the responsibility to evaluate, maintain, or monitor the quality and utilization of mental health services are privileged and shall not be subject to the discovery, subpoena or other means of legal compulsion for their release to any person or entity or be admissible into evidence into any judicial or administrative action for failure to provide adequate or appropriate care. Such committees may exist, either within department facilities or its agents, contractors, or vendors, as applicable. Except as otherwise provided in this section, no person who was in attendance at any investigation or committee proceeding shall be permitted or required to disclose any information acquired in connection with or in the course of such proceeding or to disclose any opinion, recommendation or evaluation of the committee or board or any member thereof; provided, however, that information otherwise discoverable or admissible from original sources is not to be construed as immune from discovery or use in any proceeding merely because it was presented during proceedings before any committee or in the course of any investigation, nor is any member, employee or agent of such committee or other person appearing before it to be prevented from testifying as to matters within their personal knowledge and in accordance with the other provisions of this section, but such witness cannot be questioned about the testimony or other proceedings before any investigation or before any committee;

(3) Nothing in this section shall limit authority otherwise provided by law of a health care licensing board of the state of Missouri to obtain information by subpoena or other authorized process from investigation committees or to require disclosure of otherwise confidential

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information relating to matters and investigations within the jurisdiction of such health care licensing boards; provided, however, that such information, once obtained by such board and associated persons, shall be governed in accordance with the provisions of this subsection;

(4) Nothing in this section shall limit authority otherwise provided by law in subdivisions (5) and (6) of subsection 2 of section 630.140 concerning access to records by the entity or agency authorized to implement a system to protect and advocate the rights of persons with developmental disabilities under the provisions of 42 U.S.C. [6042] **Sections 15042 to 15044** and the entity or agency authorized to implement a system to protect and advocate the rights of persons with mental illness under the provisions of 42 U.S.C. 10801. In addition, nothing in this section shall serve to negate assurances that have been given by the governor of Missouri to the U.S. Administration on Developmental Disabilities, Office of Human Development Services, Department of Health and Human Services concerning access to records by the agency designated as the protection and advocacy system for the state of Missouri. However, such information, once obtained by such entity or agency, shall be governed in accordance with the provisions of this subsection.

4. Anyone who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil liability for making such a report or for testifying unless such person acted in bad faith or with malicious purpose.

5. Within five working days after a report required to be made pursuant to this section is received, the person making the report shall be notified in writing of its receipt and of the initiation of the investigation.

6. No person who directs or exercises any authority in a residential facility, day program or specialized service shall evict, harass, dismiss or retaliate against a patient, resident or client or employee because he or she or any member of his or her family has made a report of any violation or suspected violation of laws, ordinances or regulations applying to the facility which he or she has reasonable cause to believe has been committed or has occurred.

7. Any person who is discharged as a result of an administrative substantiation of allegations contained in a report of abuse or neglect may, after exhausting administrative remedies as provided in chapter 36, RSMo, appeal such decision to the circuit court of the county in which such person resides within ninety days of such final administrative decision. The court may accept an appeal up to twenty-four months after the party filing the appeal received notice of the department's determination, upon a showing that:

- (1) Good cause exists for the untimely commencement of the request for the review;
- (2) If the opportunity to appeal is not granted it will adversely affect the party's opportunity for employment; and
- (3) There is no other adequate remedy at law.

**660.078. TAX REFUND CREDITED TO HOME DELIVERED MEALS TRUST FUND — CONTRIBUTIONS ACCEPTED — DIRECTOR OF REVENUE TO TRANSFER CONTRIBUTIONS, TRUST FUND CREATED — STATE TREASURER TO ADMINISTER FUND. —** 1. In each tax year beginning on or after January 1, 1993, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation pursuant to this section may designate that two dollars or any amount in excess of two dollars on a single return, and four dollars or any amount in excess of four dollars on a combined return, of the refund due be credited to the [division of aging] elderly home-delivered meals trust fund, established in subsection 3 of this section. The contribution designation authorized by this section shall be clearly and unambiguously printed on each income tax return form provided by this state. If any individual or corporation which is not entitled to a tax refund in an amount sufficient to make a designation pursuant to this section wishes to make a contribution to the division of aging elderly home-delivered meals trust fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount, clearly designated for the division of aging elderly home-delivered meals trust fund, the individual or corporation wishes

to contribute and the department of revenue shall forward such amount to the state treasurer for deposit to the fund as provided in subsection 2 of this section.

2. The director of revenue shall transfer at least monthly all contributions designated by individuals or corporations pursuant to this section, less an amount not to exceed five percent of such transferred contributions which is sufficient to cover the cost of collection and handling by the department of revenue, to the state treasurer for deposit in the state treasury to the credit of the [division of aging] elderly home-delivered meals trust fund. A contribution designated pursuant to this section shall only be transferred and deposited in the [division of aging] elderly home-delivered meals trust fund after all other claims against the refund from which such contribution is to be made have been satisfied.

3. There is hereby established in the state treasury the "[Division of Aging] Elderly Home-Delivered Meals Trust Fund", which shall consist of all moneys deposited in the fund pursuant to subsection 2 of this section. The state treasurer shall administer the fund, and the moneys in the fund shall be used solely, upon appropriation, by the [division of aging] **department of health and senior services** for assistance in preparing and transporting meals to elderly persons in this state through a program designed to meet such purposes. These funds shall be transferred by the [division of aging] **department** to the area agencies on aging using the same formula as used for distribution of federal Older Americans Act moneys and moneys from the general revenue fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the [division of aging] elderly home-delivered meals trust fund at the end of any biennium shall not be transferred to the credit of the general revenue fund.

**660.250. DEFINITIONS.** — As used in sections 660.250 to [660.305] **660.321**, the following terms mean:

(1) "Abuse", the infliction of physical, sexual, or emotional injury or harm including financial exploitation by any person, firm or corporation;

(2) "Court", the circuit court;

(3) "Department", the department of [social services] **health and senior services**;

(4) "Director", director of the department of [social services] **health and senior services** or his **or her** designees;

(5) "Eligible adult", a person sixty years of age or older **who is unable to protect his or her own interests or adequately perform or obtain services which are necessary to meet his or her essential human needs** or an adult with a [handicap] **disability**, as defined in section 660.053, between the ages of eighteen and fifty-nine who is unable to protect his **or her** own interests or adequately perform or obtain services which are necessary to meet his **or her** essential human needs;

(6) "**Home health agency**", the same meaning as such term is defined in section 197.400, RSMo;

(7) "**Home health agency employee**", a person employed by a home health agency;

(8) "**Home health patient**", an eligible adult who is receiving services through any home health agency;

[(6)] (9) "In-home services client", an eligible adult who is receiving services in his or her private residence through any in-home services provider agency;

[(7)] (10) "In-home services employee", a person employed by an in-home services provider agency;

[(8)] (11) "In-home services provider agency", a business entity under contract with the department or with a Medicaid participation agreement [or an agency licensed by the department of health and senior services as provided in sections 197.400 to 197.470, RSMo], which employs persons to deliver any kind of services provided for eligible adults in their private homes;

[(9)] (12) "Least restrictive environment", a physical setting where protective services for the eligible adult and accommodation is provided in a manner no more restrictive of an

individual's personal liberty and no more intrusive than necessary to achieve care and treatment objectives;

[(10)] **(13)** "Likelihood of serious physical harm", one or more of the following:

(a) A substantial risk that physical harm to an eligible adult will occur because of his **or her** failure or inability to provide for his **or her** essential human needs as evidenced by acts or behavior which has caused such harm or which gives another person probable cause to believe that the eligible adult will sustain such harm;

(b) A substantial risk that physical harm will be inflicted by an eligible adult upon himself **or herself**, as evidenced by recent credible threats, acts, or behavior which has caused such harm or which places another person in reasonable fear that the eligible adult will sustain such harm;

(c) A substantial risk that physical harm will be inflicted by another upon an eligible adult as evidenced by recent acts or behavior which has caused such harm or which gives another person probable cause to believe the eligible adult will sustain such harm;

(d) A substantial risk that further physical harm will occur to an eligible adult who has suffered physical injury, neglect, sexual or emotional abuse, or other maltreatment or wasting of his **or her** financial resources by another person;

[(11)] **(14)** "Neglect", the failure to provide services to an eligible adult by any person, firm or corporation with a legal or contractual duty to do so, when such failure presents either an imminent danger to the health, safety, or welfare of the client or a substantial probability that death or serious physical harm would result;

[(12)] **(15)** "Protective services", services provided by the state or other governmental or private organizations or individuals which are necessary for the eligible adult to meet his **or her** essential human needs.

**660.261. INVESTIGATIONS OF REPORTS OF ELIGIBLE ADULTS BETWEEN EIGHTEEN AND FIFTY-NINE, DEPARTMENT PROCEDURES.** — Upon receipt of a report that an eligible adult between the ages of eighteen and fifty-nine is facing a likelihood of serious physical harm, the department shall:

- (1) Investigate or refer the report to appropriate law enforcement **or state** agencies; and
- (2) Provide services or refer to local community **or state** agencies.

**660.270. PROCEDURE WHEN ABUSE, NEGLECT OR PHYSICAL HARM MAY BE INVOLVED — REMEDIES.** — When the department receives a report that there **has been abuse or neglect, or that there otherwise** is a likelihood of serious physical harm to an eligible adult and that he **or she** is in need of protective services and the department is unable to conduct an investigation because access to the eligible adult is barred by any person, the director may petition the appropriate court for a warrant **or other order** to enter upon the described premises and investigate the report **or to produce the information**. The application for the warrant **or order** shall identify the eligible adult and the facts and circumstances which require the issuance of the warrant **or order**. The director may also seek an order to enjoin the person **from** barring access **to an eligible adult or** from interfering with the investigation. If the court finds that, based on the report and relevant circumstances and facts, probable cause exists showing that the eligible adult faces **abuse or neglect, or otherwise faces** a likelihood of serious physical harm and is in need of protective services and the director has been prevented by another person from investigating the report, the court may issue the warrant or enjoin the interference with the investigation or both.

**660.300. REPORT OF ABUSE OR NEGLECT OF IN-HOME SERVICES OR HOME HEALTH AGENCY CLIENT, DUTY — PENALTY — CONTENTS OF REPORT — INVESTIGATION, PROCEDURE — CONFIDENTIALITY OF REPORT — IMMUNITY — RETALIATION PROHIBITED, PENALTY — EMPLOYEE DISQUALIFICATION LIST — SAFE-AT-HOME EVALUATIONS, PROCEDURE.** — 1. [Beginning January 1, 1993, when any physician, dentist, chiropractor,

optometrist, podiatrist, intern, nurse, medical examiner, social worker, psychologist, minister, Christian Science practitioner, peace officer, pharmacist, physical therapist, in-home services owner, in-home services operator, in-home services employee, or employee of the department of social services or of the department of health and senior services or of the department of mental health] **When any adult day care worker; chiropractor; Christian Science practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental health, or health and senior services; employee of a local area agency on aging or an organized area agency on aging program; funeral director; home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; medical examiner; medical resident or intern; mental health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist; probation or parole officer; psychologist; or social worker** has reasonable cause to believe that an in-home services client has been abused or neglected, as a result of in-home services, he **or she** shall immediately report or cause a report to be made to the department. **If the report is made by a physician of the in-home services client, the department shall maintain contact with the physician regarding the progress of the investigation.**

2. **When a report of deteriorating physical condition resulting in possible abuse or neglect of an in-home services client is received by the department, the client's case manager and the department nurse shall be notified. The client's case manager shall investigate and immediately report the results of the investigation to the department nurse. The department may authorize the in-home services provider nurse to assist the case manager with the investigation.**

3. **If requested, local area agencies on aging shall provide volunteer training to those persons listed in subsection 1 of this section regarding the detection and report of abuse and neglect pursuant to this section.**

[2.] 4. Any person required in subsection 1 of this section to report or cause a report to be made to the department who fails to do so within a reasonable time after the act of abuse or neglect is guilty of a class A misdemeanor.

[3.] 5. The report shall contain the names and addresses of the in-home services provider agency, the in-home services employee, the in-home services client, **the home health agency, the home health agency employee**, information regarding the nature of the abuse or neglect, the name of the complainant, and any other information which might be helpful in an investigation.

[4.] 6. In addition to those persons required to report under subsection 1 of this section, any other person having reasonable cause to believe that an in-home services client **or home health patient** has been abused or neglected by an in-home services employee **or home health agency employee** may report such information to the department.

[5. Upon receipt of a report, the department shall initiate a prompt and thorough investigation.

6.] 7. If the investigation indicates possible abuse or neglect of an in-home services client **or home health patient**, the investigator shall refer the complaint together with his **or her** report to the department director or his **or her** designee for appropriate action. If, during the investigation or at its completion, the department has reasonable cause to believe that immediate [removal] **action** is necessary to protect the in-home services client **or home health patient** from abuse or neglect, the department or the local prosecuting attorney may, or the attorney general upon request of the department shall, file a petition for temporary care and protection of the in-home services client **or home health patient** in a circuit court of competent jurisdiction. The circuit court in which the petition is filed shall have equitable jurisdiction to issue an ex parte

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order granting the department authority for the temporary care and protection of the in-home services client **or home health patient**, for a period not to exceed thirty days.

[7.] **8.** Reports shall be confidential, as provided under section 660.320.

[8.] **9.** Anyone, except any person who has abused or neglected an in-home services client **or home health patient**, who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil or criminal liability for making such a report or for testifying except for liability for perjury, unless such person acted negligently, recklessly, in bad faith, or with malicious purpose.

[9.] **10.** Within five working days after a report required to be made under this section is received, the person making the report shall be notified in writing of its receipt and of the initiation of the investigation.

[10.] **11.** No person who directs or exercises any authority in an in-home services provider agency **or home health agency** shall harass, dismiss or retaliate against an in-home services client **or home health patient**, or an in-home services employee **or a home health agency employee** because he or any member of his **or her** family has made a report of any violation or suspected violation of laws, standards or regulations applying to the in-home services provider agency **or home health agency** or any in-home services employee **or home health agency employee** which he has reasonable cause to believe has been committed or has occurred.

[11.] **12.** Any person who [knowingly] abuses or neglects an in-home services client [shall be guilty of a class D felony.] **or home health patient is subject to criminal prosecution under section 565.180, 565.182, or 565.184, RSMo. If such person is an in-home services employee and has been found guilty by a court, and if the supervising in-home services provider willfully and knowingly failed to report known abuse by such employee to the department, the supervising in-home services provider may be subject to administrative penalties of one thousand dollars per violation to be collected by the department and the money received therefor shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund. Any in-home services provider which has had administrative penalties imposed by the department or which has had its contract terminated may seek an administrative review of the department's action pursuant to chapter 621, RSMo. Any decision of the administrative hearing commission may be appealed to the circuit court in the county where the violation occurred for a trial de novo. For purposes of this subsection, the term "violation" means a determination of guilt by a court.**

**13.** The department shall establish a quality assurance and supervision process for clients that requires an in-home services provider agency to conduct random visits to verify compliance with program standards and verify the accuracy of records kept by an in-home services employee.

[12.] **14.** The department shall maintain the employee disqualification list and place on the employee disqualification list the names of any persons who have been finally determined by the department, pursuant to section 660.315, to have recklessly, knowingly or purposely abused or neglected an in-home services client **or home health patient** while employed by an in-home services provider agency **or home health agency. For purposes of this section only, "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section. A person acts "knowingly" with respect to the person's conduct when a reasonable person should be aware of the result caused by his or her conduct. A person acts "recklessly" when the person consciously disregards a substantial and unjustifiable risk that the person's conduct will result in serious physical injury and such disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation. Any in-home services provider agency or home health agency that knowingly employs a person who refuses to register with the family care safety registry or who is listed on any of the background check lists in the family care safety**

registry, pursuant to sections 210.900 to 210.937, RSMo, is guilty of a class A misdemeanor.

15. At the time a client has been assessed to determine the level of care as required by rule and is eligible for in-home services, the department shall conduct a "Safe at Home Evaluation" to determine the client's physical, mental, and environmental capacity. The department shall develop the safe at home evaluation tool by rule in accordance with chapter 536, RSMo. The purpose of the safe at home evaluation is to assure that each client has the appropriate level of services and professionals involved in the client's care. The plan of service or care for each in-home services client shall be authorized by a nurse. The department may authorize the licensed in-home services nurse, in lieu of the department nurse, to conduct the assessment of the client's condition and to establish a plan of services or care. The department may use the expertise, services, or programs of other departments and agencies on a case-by-case basis to establish the plan of service or care. The department may, as indicated by the safe at home evaluation, refer any client to a mental health professional, as defined in 9 CSR 30-4.030, for evaluation and treatment as necessary.

16. Authorized nurse visits shall occur at least twice annually to assess the client and the client's plan of services. The provider nurse shall report the results of his or her visits to the client's case manager. If the provider nurse believes that the plan of service requires alteration, the department shall be notified and the department shall make a client evaluation. All authorized nurse visits shall be reimbursed to the in-home services provider. All authorized nurse visits shall be reimbursed outside of the nursing home cap for in-home services clients whose services have reached one hundred percent of the average statewide charge for care and treatment in an intermediate care facility, provided that the services have been pre-authorized by the department.

17. All in-home services clients shall be advised of their rights by the department at the initial evaluation. The rights shall include, but not be limited to, the right to call the department for any reason, including dissatisfaction with the provider or services. The department shall establish a process to receive such nonabuse and neglect calls other than the elder abuse and neglect hotline.

18. Subject to appropriations, all nurse visits authorized in sections 660.250 to 660.300 shall be reimbursed to the in-home services provider agency.

**660.305. IN-HOME SERVICES CLIENT, MISAPPROPRIATION OF PROPERTY, REPORT — INVESTIGATION — PENALTY — CONFIDENTIALITY OF REPORT — IMMUNITY — RETALIATION PROHIBITED — EMPLOYEE DISQUALIFICATION LIST.** — 1. Any person having reasonable cause to believe that a misappropriation of an in-home services client's property or funds, or the falsification of any documents verifying service delivery to the in-home services client has occurred, may report such information to the department.

2. For each report the [division] **department** shall attempt to obtain the names and addresses of the in-home services provider agency, the in-home services employee, the in-home services client, information regarding the nature of the misappropriation or falsification, the name of the complainant, and any other information which might be helpful in an investigation.

3. Any in-home services provider agency or in-home services employee who puts to his **or her** own use or the use of the in-home services provider agency or otherwise diverts from the in-home services client's use any personal property or funds of the in-home services client, or falsifies any documents for service delivery, [shall be] **is** guilty of a class A misdemeanor.

4. Upon receipt of a report, the department shall **immediately** initiate an investigation **and report information gained from such investigation to appropriate law enforcement authorities.**

5. If the investigation indicates probable misappropriation of property or funds, or falsification of any documents for service delivery of an in-home services client, the investigator

shall refer the complaint together with [his] **the investigator's** report to the department director or [his] **the director's** designee for appropriate action.

6. Reports shall be confidential, as provided under section 660.320.

7. Anyone, except any person participating in or benefiting from the misappropriation of funds, who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil or criminal liability for making such a report or for testifying except for liability for perjury, unless such person acted negligently, recklessly, in bad faith, or with malicious purpose.

8. Within five working days after a report required to be made under this section is received, the person making the report shall be notified in writing of its receipt and of the initiation of the investigation.

9. No person who directs or exercises any authority in an in-home services provider agency shall harass, dismiss or retaliate against an in-home services client or employee because he **or she** or any member of his **or her** family has made a report of any violation or suspected violation of laws, ordinances or regulations applying to the in-home services provider agency or any in-home services employee which he **or she** has reasonable cause to believe has been committed or has occurred.

10. The department shall maintain the employee disqualification list and place on the employee disqualification list the names of any persons who **are or have been employed by an in-home service provider agency and who** have been finally determined by the department to, pursuant to section 660.315, have misappropriated any property or funds, or falsified any documents for service delivery of an in-home services client **and who came to be known to the person, directly, or indirectly** while employed by an in-home services provider agency.

**660.310. ALTERATION OF IN-HOME SERVICES PROVIDER AGENCY CONTRACTS, PROCEDURE — LETTERS OF CENSURE — STAYING OF SUSPENSIONS — APPEAL PROCESS. —**

1. Notwithstanding any other provision of law, if the department of health and senior services proposes to deny, suspend, place on probation, or terminate an in-home services provider agency contract, the department of health and senior services shall serve upon the applicant or contractor written notice of the proposed action to be taken. The notice shall contain a statement of the type of action proposed, the basis for it, the date the action will become effective, and a statement that the applicant or contractor shall have thirty days from the date of mailing or delivery of the notice to file a complaint requesting a hearing before the administrative hearing commission. The administrative hearing commission may consolidate an applicant's or contractor's complaint with any proceeding before the administrative hearing commission filed by such contractor or applicant pursuant to subsection 3 of section 208.156, RSMo, involving a common question of law or fact. Upon the filing of the complaint, the provisions of sections 621.110, 621.120, 621.125, 621.135, and 621.145, RSMo, shall apply. With respect to cases in which the department has denied a contract to an in-home services provider agency, the administrative hearing commission shall conduct a hearing to determine the underlying basis for such denial. However, if the administrative hearing commission finds that the contract denial is supported by the facts and the law, the case need not be returned to the department. The administrative hearing commission's decision shall constitute affirmation of the department's contract denial.

2. The department of health and senior services may issue letters of censure or warning without formal notice or hearing.

3. The administrative hearing commission may stay the suspension or termination of an in-home services provider agency's contract, or the placement of the contractor on probation, pending the commission's findings and determination in the cause, upon such conditions, with or without the agreement of the parties, as the commission deems necessary and appropriate, including the posting of bond or other security except that the

commission shall not grant a stay, or if a stay has already been entered shall set aside its stay, unless the commission finds that the contractor has established that servicing the department's clients pending the commission's final determination would not present an imminent danger to the health, safety, or welfare of any client or a substantial probability that death or serious physical harm would result. The commission may remove the stay at any time that it finds that the contractor has violated any of the conditions of the stay. Such stay shall remain in effect, unless earlier removed by the commission, pending the decision of the commission and any subsequent departmental action at which time the stay shall be removed. In any case in which the department has refused to issue a contract, the commission shall have no authority to stay or to require the issuance of a contract pending final determination by the commission.

4. Stays granted to contractors by the administrative hearing commission shall, as a condition of the stay, require at a minimum that the contractor under the stay operate under the same contractual requirements and regulations as are in effect, from time to time, as are applicable to all other contractors in the program.

5. The administrative hearing commission shall make its final decision based upon the circumstances and conditions as they existed at the time of the action of the department and not based upon circumstances and conditions at the time of the hearing or decision of the commission.

6. In any proceeding before the administrative hearing commission pursuant to this section, the burden of proof shall be on the contractor or applicant seeking review.

7. Any person, including the department, aggrieved by a final decision of the administrative hearing commission may seek judicial review of such decision as provided in section 621.145, RSMo.

**660.315. EMPLOYEE DISQUALIFICATION LIST, NOTIFICATION OF PLACEMENT, CONTENTS — CHALLENGE OF ALLEGATION, PROCEDURE — HEARING, PROCEDURE — APPEAL — REMOVAL OF NAME FROM LIST — LIST PROVIDED TO WHOM — PROHIBITION OF EMPLOYMENT.** — 1. After an investigation and a determination has been made to place a person's name on the employee disqualification list, that person shall be notified in writing mailed to his **or her** last known address that:

(1) An allegation has been made against [him] **the person**, the substance of the allegation and that an investigation has been conducted which tends to substantiate the allegation;

(2) [His] **The person's** name will be included in the employee disqualification list of the department;

(3) The consequences of being so listed including the length of time to be listed; and

(4) [His] **The person's** rights and the procedure to challenge the allegation.

2. If no reply has been received within thirty days of mailing the notice, the department may include the name of such person on its list. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director or [his] **the director's** designee, based upon the criteria contained in subsection 9 of this section.

3. If the person so notified wishes to challenge the allegation, [he] **such person** may file an application for a hearing with the department. The department shall grant the application within thirty days after receipt by the department and set the matter for hearing, or the department shall notify the applicant that, after review, the allegation has been held to be unfounded and the applicant's name will not be listed.

4. If a person's name is included on the employee disqualification list without notice by the department, such person may file a request with the department for removal of the name or for a hearing. Within thirty days after receipt of the request, the department shall either remove the name from the list or grant a hearing and set a date therefor.

5. Any hearing shall be conducted in the county of the person's residence by the director of the [division of aging or his] **department or the director's** designee. The provisions of

chapter 536, RSMo, for a contested case except those provisions or amendments which are in conflict with this section, shall apply to and govern the proceedings contained in this section and the rights and duties of the parties involved. The person appealing such an action shall be entitled to present evidence, pursuant to the provisions of chapter 536, RSMo, relevant to the allegations.

6. Upon the record made at the hearing, the director of the [division of aging] **department or the director's designee** shall determine all questions presented and shall determine whether the person shall be listed on the employee disqualification list. The director of the [division of aging] **department or the director's designee** shall clearly state the reasons for his **or her** decision and shall include a statement of findings of fact and conclusions of law pertinent to the questions in issue.

7. A person aggrieved by the decision following the hearing shall be informed of his **or her** right to seek judicial review as provided under chapter 536, RSMo. If the person fails to appeal the director's findings, those findings shall constitute a final determination that the person shall be placed on the employee disqualification list.

8. A decision by the director shall be inadmissible in any civil action brought against a facility or the in-home services provider agency and arising out of the facts and circumstances which brought about the employment disqualification proceeding, unless the civil action is brought against the facility or the in-home services provider agency by the department of [social services] **health and senior services** or one of its divisions.

9. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director [or his] **of the department of health and senior services or the director's designee**, based upon the following:

(1) Whether the person acted recklessly[,] **or** knowingly [or purposely], as defined in chapter 562, RSMo;

(2) The degree of the [infliction of] physical, sexual, or emotional injury or harm; or the degree of the imminent danger to the health, safety or welfare of a resident or in-home services client;

(3) The degree of misappropriation of the property or funds, or falsification of any documents for service delivery of an in-home services client;

(4) Whether the person has previously been listed on the employee disqualification list;

(5) Any mitigating circumstances; [and]

(6) **Any aggravating circumstances; and**

(7) Whether alternative sanctions resulting in conditions of continued employment are appropriate in lieu of placing a person's name on the employee disqualification list. Such conditions of employment may include, but are not limited to, additional training and employee counseling. Conditional employment shall terminate upon the expiration of the designated length of time and the person's submitting documentation which fulfills the [division's] **department of health and senior services'** requirements.

10. The removal of any person's name from the list under this section shall not prevent the director from keeping records of all acts finally determined to have occurred under this section.

11. The department shall provide the list maintained pursuant to this section to other state departments upon request and to any person, corporation or association who:

(1) Is licensed as an operator under chapter 198, RSMo;

(2) Provides in-home services under contract with the department;

(3) Employs nurses and nursing assistants for temporary or intermittent placement in health care facilities;

(4) Is approved by the department to issue certificates for nursing assistants training; or

(5) Is an entity licensed under chapter 197, RSMo.

The department shall inform any person listed above who inquires of the [division of aging] **department** whether or not a particular name is on the list. The [division] **department** may require that the request be made in writing.

12. No person, corporation or association who received the employee disqualification list under subsection 11 of this section shall knowingly employ any person who is on the employee disqualification list. Any person, corporation or association who received the employee disqualification list under subsection 11 of this section, or any person responsible for providing health care service, who declines to employ or terminates a person whose name is listed in this section shall be immune from suit by that person or anyone else acting for or in behalf of that person for the failure to employ or for the termination of the person whose name is listed on the employee disqualification list.

13. **Any employer who is required to discharge an employee because the employee was placed on a disqualification list maintained by the department of health and senior services after the date of hire shall not be charged for unemployment insurance benefits based on wages paid to the employee for work prior to the date of discharge, pursuant to section 288.100, RSMo.**

14. Any person who has been listed on the employee disqualification list may request that the director remove his **or her** name from the employee disqualification list. The request shall be written and may not be made more than once every twelve months. The request will be granted by the director upon a clear showing, by written submission only, that the person will not commit additional acts of abuse, neglect, misappropriation of the property or funds, or the falsification of any documents of service delivery to an in-home services client. The director may make conditional the removal of a person's name from the list on any terms that the director deems appropriate, and failure to comply with such terms may result in the person's name being relisted. The director's determination of whether to remove the person's name from the list is not subject to appeal.

**660.317. CRIMINAL BACKGROUND CHECKS OF EMPLOYEES, REQUIRED WHEN — PERSONS WITH CRIMINAL HISTORY NOT TO BE HIRED, WHEN, PENALTY — FAILURE TO DISCLOSE, PENALTY — DEFINITIONS — RULES TO WAIVE HIRING RESTRICTIONS. — 1.** For the purposes of this section, the term "provider" means any person, corporation or association who:

- (1) Is licensed as an operator pursuant to chapter 198, RSMo;
- (2) Provides in-home services under contract with the department;
- (3) Employs nurses or nursing assistants for temporary or intermittent placement in health care facilities; [or]
- (4) Is an entity licensed pursuant to chapter 197, RSMo;
- (5) Is a public or private facility, day program, residential facility or specialized service operated, funded or licensed by the department of mental health; **or**
- (6) Is a licensed adult day care provider.**

2. For the purpose of this section "patient or resident" has the same meaning as such term is defined in section 43.540, RSMo.

3. [Beginning August 28, 1997, not later than two working days of hiring any person for] **Prior to allowing any person who has been hired as a full-time, part-time or temporary position to have contact with any patient or resident the provider shall, or in the case of temporary employees hired through or contracted for an employment agency, the employment agency shall prior to sending a temporary employee to a provider:**

- (1) Request a criminal background check as provided in section 43.540, RSMo. Completion of an inquiry to the highway patrol for criminal records that are available for disclosure to a provider for the purpose of conducting an employee criminal records background check shall be deemed to fulfill the provider's duty to conduct employee criminal background checks pursuant to this section; except that, completing the inquiries pursuant to this subsection shall not be construed to exempt a provider from further inquiry pursuant to common law requirements governing due diligence. **If an applicant has not resided in this state for five consecutive years prior to the date of his or her application for employment, the provider**

shall request a nationwide check for the purpose of determining if the applicant has a prior criminal history in other states. The fingerprint cards and any required fees shall be sent to the highway patrol's criminal records divisions. The first set of fingerprints shall be used for searching the state repository of criminal history information. If no identification is made, the second set of fingerprints shall be forwarded to the Federal Bureau of Investigation, Identification Division, for the searching of the federal criminal history files. The patrol shall notify the submitting state agency of any criminal history information or lack of criminal history information discovered on the individual. The provisions relating to applicants for employment who have not resided in this state for five consecutive years shall apply only to persons who have no employment history with a licensed Missouri facility during that five year period. Notwithstanding the provisions of section 610.120, RSMo, all records related to any criminal history information discovered shall be accessible and available to the provider making the record request; and

(2) Make an inquiry to the department of [social services] **health and senior services**, whether the person is listed on the employee disqualification list as provided in section 660.315.

4. When the provider requests a criminal background check pursuant to section [43.530] **43.540**, RSMo, the requesting entity may require that the applicant reimburse the provider for the cost of such record check. **When a provider requests a nationwide criminal background check pursuant to subdivision (1) of subsection 3 of this section, the total cost to the provider of any background check required pursuant to this section shall not exceed five dollars which shall be paid to the state. State funding and the obligation of a provider to obtain a nationwide criminal background check shall be subject to the availability of appropriations.**

5. An applicant for a position to have contact with patients or residents of a provider shall:

(1) Sign a consent form as required by section 43.540, RSMo, so the provider may request a criminal records review;

(2) Disclose the applicant's criminal history. For the purposes of this subdivision "criminal history" includes any conviction or a plea of guilty to a misdemeanor or felony charge and shall include any suspended imposition of sentence, any suspended execution of sentence or any period of probation or parole; and

(3) Disclose if the applicant is listed on the employee disqualification list as provided in section 660.315.

6. An applicant who knowingly fails to disclose his **or her** criminal history as required in subsection 5 of this section is guilty of a class A misdemeanor. A provider is guilty of a class A misdemeanor if the provider knowingly hires **or retains** a person to have contact with patients or residents and the person has been convicted of, pled guilty to or nolo contendere in this state or any other state or has been found guilty of a crime, which if committed in Missouri would be a class A or B felony violation of chapter 565, 566 or 569, RSMo, or any violation of subsection 3 of section 198.070, RSMo, or section 568.020, RSMo.

7. The highway patrol shall examine whether protocols can be developed to allow a provider to request a statewide fingerprint criminal records review check through local law enforcement agencies.

8. A provider may use a private investigatory agency rather than the highway patrol to do a criminal history records review check, and alternatively, the applicant pays the private investigatory agency such fees as the provider and such agency shall agree.

9. The department of [social services] **health and senior services** shall promulgate rules and regulations to waive the hiring restrictions pursuant to this section for good cause. For purposes of this section, "good cause" means the department has made a determination by examining the employee's prior work history and other relevant factors that such employee does not present a risk to the health or safety of residents.

**660.320. PROHIBITION AGAINST DISCLOSURE OF REPORTS, EXCEPTIONS — EMPLOYMENT SECURITY PROVIDED REPORTS UPON REQUEST. — 1.** Reports confidential under section 198.070, RSMo, and sections 660.300 to 660.315 shall not be deemed a public record and shall not be subject to the provisions of section 109.180, RSMo, or chapter 610, RSMo. The name of the complainant or any person mentioned in the reports shall not be disclosed unless:

(1) The complainant, resident or the in-home services client mentioned agrees to disclosure of his **or her** name;

(2) The department determines that disclosure is necessary in order to prevent further abuse, neglect, misappropriation of property or funds, or falsification of any documents verifying service delivery to an in-home services client;

(3) Release of a name is required for conformance with a lawful subpoena;

(4) Release of a name is required in connection with a review by the administrative hearing commission in accordance with section 198.039, RSMo;

(5) The department determines that release of a name is appropriate when forwarding a report of findings of an investigation to a licensing authority; or

(6) Release of a name is requested by the division of family services for the purpose of licensure under chapter 210, RSMo.

**2. The department shall, upon request, provide to the division of employment security within the department of labor and industrial relations copies of the investigative reports that led to an employee being placed on the disqualification list.**

**660.321. CONFIDENTIALITY OF RECORDS, RECORDS DISCLOSED, WHEN. —** Notwithstanding any other provision of law, the department shall not disclose personally identifiable medical, social, personal, or financial records of any eligible adult being served by the division of senior services except when disclosed in a manner that does not identify the eligible adult, or when ordered to do so by a court of competent jurisdiction. Such records shall be accessible without court order for examination and copying only to the following persons or offices, or to their designees:

(1) The department or any person or agency designated by the department for such purposes as the department may determine;

(2) The attorney general, to perform his or her constitutional or statutory duties;

(3) The department of mental health for residents placed through that department, to perform its constitutional or statutory duties;

(4) Any appropriate law enforcement agency, to perform its constitutional or statutory duties;

(5) The eligible adult, his or her legal guardian or any other person designated by the eligible adult; and

(6) The department of social services for individuals who receive Medicaid benefits, to perform its constitutional or statutory duties.

**660.603. OFFICE OF STATE OMBUDSMAN FOR LONG-TERM CARE FACILITY RESIDENTS CREATED IN DEPARTMENT OF HEALTH AND SENIOR SERVICES — PURPOSE — POWERS AND DUTIES. — 1.** There is hereby established within the [division of aging] **department of health and senior services** the "Office of State Ombudsman for Long-Term Care Facility Residents", for the purpose of helping to assure the adequacy of care received by residents of long-term care facilities and to improve the quality of life experienced by them, in accordance with the federal Older Americans Act, 42 U.S.C. 3001, et seq.

2. The office shall be administered by the state ombudsman, who shall devote his **or her** entire time to the duties of his **or her** position.

3. The office shall establish and implement procedures for receiving, processing, responding to, and resolving complaints made by or on behalf of residents of long-term care

facilities relating to action, inaction, or decisions of providers, or their representatives, of long-term care services, of public agencies or of social service agencies, which may adversely affect the health, safety, welfare or rights of such residents.

4. The [division] **department** shall establish and implement procedures for resolution of complaints. The ombudsman or representatives of the office shall have the authority to:

(1) Enter any long-term care facility and have access to residents of the facility at a reasonable time and in a reasonable manner. The ombudsman shall have access to review resident records, if given permission by the resident or the resident's legal guardian. Residents of the facility shall have the right to request, deny, or terminate visits with an ombudsman;

(2) Make the necessary inquiries and review such information and records as the ombudsman or representative of the office deems necessary to accomplish the objective of verifying these complaints.

5. The office shall acknowledge complaints, report its findings, make recommendations, gather and disseminate information and other material, and publicize its existence.

6. The ombudsman may recommend to the relevant governmental agency changes in the rules and regulations adopted or proposed by such governmental agency which do or may adversely affect the health, safety, welfare, or civil or human rights of any resident in a facility. The office shall analyze and monitor the development and implementation of federal, state and local laws, regulations and policies with respect to long-term care facilities and services in the state and shall recommend to the [division] **department** changes in such laws, regulations and policies deemed by the office to be appropriate.

7. The office shall promote community contact and involvement with residents of facilities through the use of volunteers and volunteer programs directed by the regional ombudsman coordinators.

8. The office shall develop and establish by regulation of the [division] **department** statewide policies and standards for implementing the activities of the ombudsman program, including the qualifications and the training of regional ombudsman coordinators and ombudsman volunteers.

9. The office shall develop and propose programs for use, training and coordination of volunteers in conjunction with the regional ombudsman coordinators and may:

(1) Establish and conduct recruitment programs for volunteers;

(2) Establish and conduct training seminars, meetings and other programs for volunteers;

and

(3) Supply personnel, written materials and such other reasonable assistance, including publicizing their activities, as may be deemed necessary.

**10. The regional ombudsman coordinators and ombudsman volunteers shall have the authority to report instances of abuse and neglect to the ombudsman hotline operated by the department.**

**11. If the regional ombudsman coordinator or volunteer finds that a nursing home administrator is not willing to work with the ombudsman program to resolve complaints, the state ombudsman shall be notified. The department shall establish procedures by rule in accordance with chapter 536, RSMo, for implementation of this subsection.**

[10.] **12.** The office shall prepare and distribute to each facility written notices which set forth the address and telephone number of the office, a brief explanation of the function of the office, the procedure to follow in filing a complaint and other pertinent information.

[11.] **13.** The administrator of each facility shall ensure that such written notice is given to every resident or [his] **the resident's** guardian upon admission to the facility and to every person already in residence, or to his guardian. The administrator shall also post such written notice in a conspicuous, public place in the facility in the number and manner set forth in the regulations adopted by the [division] **department**.

[12.] **14.** The office shall inform residents, their guardians or their families of their rights and entitlements under state and federal laws and rules and regulations by means of the distribution of educational materials and group meetings.

**[197.725. NECESSARY PROVIDER HOSPITAL, DEFINED, LICENSE — RULES. —** 1. The department of health and senior services shall establish procedures for the licensing of necessary provider hospitals. For purposes of this section, "necessary provider hospital" means an existing hospital, as defined in section 197.020, that is located outside a Standard Metropolitan Area and that:

(1) Provides inpatient care to ill or injured persons prior to their transportation to a hospital or provides inpatient medical care to persons needing such care for a period of no longer than ninety-six hours with exceptions as authorized by federal Medicare law and regulations;

(2) May have up to fifteen acute care inpatient beds and may participate in the federal swing-bed program for up to ten additional beds;

(3) Makes available emergency services on a twenty-four-hour basis; and

(4) Is required to have formal agreements with at least one hospital and other appropriate providers for such services as patient referral and transfer, communication systems, provision of emergency and nonemergency transportation, and backup medical and emergency services.

2. The department of health and senior services may promulgate rules and regulations to implement the provisions of this section. No rule or portion of a rule promulgated pursuant to the provisions of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.]

Approved June 16, 2003

## SB 562 [SCS SB 562]

**EXPLANATION —** Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Authorizes conveyance of state property located in St. Louis County to the City of Pacific.**

AN ACT to authorize the conveyance of property owned by the state at the Missouri Eastern Correctional facility in the County of St. Louis to the City of Pacific.

### SECTION

1. Conveyance of property at the Eastern Correctional Facility in St. Louis County to the city of Pacific.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION 1. CONVEYANCE OF PROPERTY AT THE EASTERN CORRECTIONAL FACILITY IN ST. LOUIS COUNTY TO THE CITY OF PACIFIC. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by the state at the Missouri Eastern Correctional facility in the County of St. Louis to the City of Pacific. The property to be conveyed is more particularly described as follows:**

**A tract of land in part of section 8, township 43 north, range 3 east in St. Louis County Missouri, commencing at the northeast corner of the Eureka Fire Protection District training facility as recorded in Plat Book 350 page 811 of the St. Louis County land records; thence south 33 degrees 53 minutes 14 seconds east a distance of 86.14 feet to the point of beginning of the tract herein described; thence south 38 degrees 27 minutes**

08 seconds west a distance of 93.53 feet to a point; thence south 51 degrees 32 minutes 52 seconds east a distance of 80.00 feet to a point; thence north 38 degrees 27 minutes 08 seconds east a distance of 20.19 feet to a point; thence along a curve to the right having a radius of 35.00 feet, an arc length of 65.77 feet and a delta of 107 degrees 40 minutes 01 seconds to a point; thence north 33 degrees 53 minutes 14 seconds west a distance of 131.83 feet to the point of beginning containing 6,988 square feet as calculated by Marler Surveying Company Inc., in February 2003.

An easement strip being 10.0 feet in width, affecting part of the plat of the Eureka Fire Protection District training facility, being in section 8, township 43 north, range 3 east, as recorded in Plat Book 350 page 811 of the St. Louis County land records office, more particularly described as follows:

Commencing at the northeast corner of the aforesaid plat, thence south 33 degrees 53 minutes 14 seconds east a distance of 86.14 feet to a point; thence south 38 degrees 27 minutes 08 seconds west a distance of 93.53 feet to a point; thence south 51 degrees 32 minutes 52 seconds east a distance of 80.00 feet to a point; thence north 38 degrees 27 minutes 08 seconds east 10.56 feet to the point of beginning of aforesaid easement; thence south 12 degrees 47 minutes 05 seconds east a distance of 560.24 feet to a point on the southern line of the aforesaid plat, being north 38 degrees 27 minutes 00 seconds east a distance of 26.70 feet of the southwestern corner of the aforesaid plat;

and additionally such trunk sewer line and related sewer facilities commencing in and from such tract of land, traversing said easement, and extending continuously into and within State Route Old Highway 66 (Business Loop I-44) westerly into the City limits of the City of Pacific and extending thence to and within right-of-way of the City of Pacific and terminating at Lift Station NO. 1 of the City Pacific, as such facilities were installed pursuant to a certain sewer agreement between the City of Pacific and the Missouri Department of Social Services dated October 23, 1979, as amended, and as hereinafter may be more fully described.

and such additional appurtenances or related property as may be necessary to accomplish the transfer of the described sewer facilities.

2. In conjunction with the transfer of property and sewer facilities authorized in subsection 1 of this section, the Missouri department of corrections and the Missouri department of transportation are hereby further authorized to consent to a municipal boundary adjustment to include within the jurisdictional boundaries of the City of Pacific the public property and rights-of-way described in this subsection. Notwithstanding any provision to the contrary, the jurisdictional boundary adjustment of public property authorized in this subsection may be effected by submission of a petition by each affected public agency to the city and shall be effective upon adoption of an ordinance by the city approving such boundary adjustment. The property subject to the boundary adjustment authorized by this subsection may include the Missouri Eastern Correctional Center property and all such public property and right-of-way containing the sewer facilities subject to subsection 1 of this section, and including such portions of State Route Old Highway 66 (Business Loop I-44) from the existing boundary of the City of Pacific to the eastern line of the Missouri Eastern Correctional Center property.

3. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the sale.

4. The attorney general shall approve the form of the instrument of conveyance.

Approved July 9, 2003

## SB 577 [SB 577]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Authorizes the conveyance of an easement in the form of a right-of-way in the City of St. Joseph.**

AN ACT to authorize the governor to convey state property to the city of St. Joseph, Missouri.

## SECTION

1. Conveyance of property by the state to the city of St. Joseph for a public road right-of-way.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION 1. CONVEYANCE OF PROPERTY BY THE STATE TO THE CITY OF ST. JOSEPH FOR A PUBLIC ROAD RIGHT-OF-WAY. — 1. The governor is hereby authorized to convey property to the city of St. Joseph, Missouri, for the purpose of public road right-of-way. The tract being a part of a tract of land composed of a part of the northeast quarter of section 10, township 58 north, range 35 west; Buchanan County, Missouri, more particularly described as follows:**

**BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 10, THENCE WESTERLY ALONG THE NORTH LINE OF THE NORTHEAST QUARTER A DISTANCE OF 485.00 FEET TO A POINT, THENCE SOUTHERLY ALONG A LINE 485.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 54.80 FEET TO A POINT, THENCE EASTERLY ALONG A LINE 54.80 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF THE NORTHEAST QUARTER A DISTANCE OF 47.64 FEET TO A POINT, THENCE SOUTHEASTERLY TO A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER 85.94 FEET SOUTH OF THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE NORTHERLY ALONG THE EAST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 85.94 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS AN AREA OF 0.14 ACRES MORE OR LESS EXCLUDING EXISTING RIGHT-OF-WAY.**

2. The attorney general shall approve as to form the instruments of conveyance.

3. Consideration for the conveyance of title to the parcel of property shall be the fair market value of the property as determined by the commissioner of administration. Consideration may be received in the form of money paid to the state of Missouri.

Approved June 9, 2003

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## SB 578 [SB 578]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Authorizes the conveyance of land owned by the state in Platte County.**

AN ACT to authorize the governor to convey a tract of land owned by the state in the county of Platte.

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## SECTION

1. Public sale and conveyance by the state of the Trimble Microwave Relay Site.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION 1. PUBLIC SALE AND CONVEYANCE BY THE STATE OF THE TRIMBLE MICROWAVE RELAY SITE.** — 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in a tract of land owned by the state in the county of Platte known as the Trimble Microwave Relay Site. The property to be conveyed is more particularly described as follows:

A tract of land in the Northeast Quarter of Section 29, Township 54, Range 33, Platte County, Missouri, described as follows: Beginning at the Northeast corner of said Section 29; thence South 0 degrees 41'50" West along the East line of the Northeast Quarter of said Section 29, 417.42 feet; thence West parallel to the North line of the Northeast Quarter of said Section 29, 417.42 feet; thence North 0 degrees 41'50" East parallel to the East line of the Northeast Quarter of said Section 29, 417.42 feet to a point on the North line of the Northeast Quarter of said Section 29; thence East along said North line 417.42 feet to the point of beginning, subject to public road and easements of record.

2. The commissioner of administration shall set the terms and conditions for the public sale of the property, as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required; the time, place, and terms of the sale; and whether to utilize a public auctioneer or licensed real estate broker to market the property. Any auctioneer or broker employed to market the property shall receive the customary fee. All costs and fees, directly related to such sale, shall be paid from the proceeds of such sale. The proceeds of such sale shall be equally divided between Missouri Western State College and the University of Missouri, Kansas City.

3. The attorney general shall approve as to form the instrument of conveyance.

Approved May 30, 2003

SB 598 [SB 598]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Establishes the Corporal Bobbie J. Harper Memorial Highway on U.S. Highway 71 in McDonald County.**

AN ACT to amend chapter 227, RSMo, by adding thereto one new section relating to the creation of the Corporal Bobbie J. Harper Memorial Highway.

## SECTION

- A. Enacting clause.
- 227.338. Corporal Bobbie J. Harper Memorial Highway, portion of U.S. Highway 71 in McDonald County designated as.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 227, RSMo, is amended by adding thereto one new section, to be known as section 227.338, to read as follows:

**227.338. CORPORAL BOBBIE J. HARPER MEMORIAL HIGHWAY, PORTION OF U.S. HIGHWAY 71 IN McDONALD COUNTY DESIGNATED AS.** — The portion of U.S. Highway 71, located within a county of the third classification without a township form of government and with more than twenty-one thousand six hundred but less than twenty-one thousand seven hundred inhabitants shall be designated the "Corporal Bobbie J. Harper Memorial Highway".

Approved July 11, 2003

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SB 606 [SB 606]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Allows the department of natural resources to convey state land in certain situations.**

AN ACT to amend chapter 253, RSMo, by adding thereto one new section relating to conveyances of land by the department of natural resources.

SECTION

- A. Enacting clause.  
253.043. Conveyance by department of natural resources of five acres for fair market exchange.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 253, RSMo, is amended by adding thereto one new section, to be known as section 253.043, to read as follows:

**253.043. CONVEYANCE BY DEPARTMENT OF NATURAL RESOURCES OF FIVE ACRES FOR FAIR MARKET EXCHANGE.** — The department is authorized to convey up to five acres of land as part of a land trade with adjacent property owners to resolve park boundary conflicts, so long as the department receives land of equal or greater fair market value in exchange.

Approved May 30, 2003

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SB 611 [SB 611]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Allows county agricultural and mechanical societies to borrow money and mortgage property.**

AN ACT to repeal section 262.290, RSMo, and to enact in lieu thereof one new section relating to county agricultural and mechanical societies.

SECTION

- A. Enacting clause.  
262.290. Incorporation, procedure — powers — buildings and improvements — exception.
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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Section 262.290, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 262.290, to read as follows:

**262.290. INCORPORATION, PROCEDURE — POWERS — BUILDINGS AND IMPROVEMENTS**  
— **EXCEPTION.** — Whenever fifty or more registered voters of this state shall present a petition to the county commission of the county in which they or a majority of them reside, stating therein that they desire to organize and be incorporated for the purpose of promoting improvements in agriculture, manufacture and the raising of stock, and setting forth in such petition the name and location to be adopted by the proposed incorporation, the name to be "The (name of county) Agricultural and Mechanical Society of (name of town or city where the office of said society is to be located)", and the county commission shall be satisfied that such persons are registered voters of this state, the county commission shall, by order, declare the petitioners incorporated for the purpose specified in this section, and thenceforth the petitioners shall be a body politic and corporate by the name and style adopted, and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended, in all courts and in all actions, pleas and matters whatsoever, **shall have the authority to borrow money**, and shall have power to purchase, hold, lease, rent, **mortgage**, and receive any quantity of land with such buildings and improvements as may be placed thereon, and any other property and may, by vote, determine that thereafter the members of such society shall be composed of such persons as shall subscribe at least one share of the capital stock thereof, in shares not exceeding five hundred dollars each, said shares to be personal property and transferable by agreement; but no transfer shall be binding on the society until reported in writing and approved by the board of directors. The amount of such capital stock shall, from time to time, be fixed by the stockholders or board of directors, provided the same shall at no time exceed two million dollars, and the board of directors may convey, lease, sell and dispose of the property of the society, or any part thereof, for the benefit of the society and have a common seal, and break and alter the same at pleasure.

Approved July 11, 2003

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## SB 618 [SB 618]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Requires the Department of Mental Health to develop a state suicide prevention plan.**

AN ACT to amend chapter 630, RSMo, by adding thereto one new section relating to suicide.

### SECTION

A. Enacting clause.

630.900. State suicide prevention plan to be submitted to general assembly, when — contents.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 630, RSMo, is amended by adding thereto one new section, to be known as section 630.900, to read as follows:

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**630.900. STATE SUICIDE PREVENTION PLAN TO BE SUBMITTED TO GENERAL ASSEMBLY, WHEN— CONTENTS. — 1.** The director of the department of mental health, in partnership with the department of health and senior services and in collaboration with the departments of social services, elementary and secondary education, higher education, and corrections, and other appropriate agencies, organizations, and institutions in the community, shall design a proposed state suicide prevention plan using an evidence-based public health approach focused on suicide prevention.

**2.** The plan shall include, but not be limited to:

(1) Promoting the use of employee assistance and workplace programs to support employees with depression and other psychiatric illnesses and substance abuse disorders, and refer them to services. In promoting such programs, the director shall collaborate with employer and professional associations, unions, and safety councils;

(2) Promoting the use of student assistance and educational programs to support students with depression and other psychiatric illnesses and substance abuse disorders. In promoting such programs, the director shall collaborate with educators, administrators, students, and parents with emphasis on identification of the risk factors associated with suicide;

(3) Providing training and technical assistance to local public health and other community-based professionals to provide for integrated implementation of best practices for preventing suicides;

(4) Establishing a toll-free suicide prevention hotline; and

(5) Coordinating with federal, state, and local agencies to collect, analyze, and annually issue a public report on Missouri-specific data on suicide and suicidal behaviors.

**3.** The proposed state suicide prevention plan designed and developed pursuant to this section shall be submitted to the general assembly by December 31, 2004, and shall include any recommendations regarding statutory changes and implementation and funding requirements of the plan.

Approved July 11, 2003

SB 620 [SCS SB 620]

**EXPLANATION —** Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Modifies the BUILD program and implements certain job retention provisions.**

AN ACT to repeal sections 99.845, 100.710, 100.840, 100.850, and 178.892, RSMo, and to enact in lieu thereof ten new sections relating to job retention programs in the department of economic development, with contingent expiration dates and an emergency clause.

**SECTION**

A. Enacting clause.

99.845. Tax increment financing adoption — division of ad valorem taxes — payments in lieu of tax, deposit, inclusion and exclusion of current equalized assessed valuation for certain purposes, when — other taxes included, amount — supplemental tax increment financing fund established, disbursement.

100.710. Definitions.

100.840. Board, powers to borrow money — issue and sell certificates — sale or exchange of refunding certificates — certificates not indebtedness of state.

100.850. Assessments remittal, job development assessment fee — company records available to board, when — when remitted assessment ceases — tax credit amount, cap, claiming credit — refunds.

135.276. Definitions.

135.277. Taxable income of retained business facility exempt from income taxation, amount.

- 135.279. Tax credit, amount (Hazelwood Ford Plant) — calculation and limitations on credit.
- 135.281. Application for income tax refund (Hazelwood Ford Plant) — approval procedures.
- 135.283. Program application — approval by department — executed agreement required, contents.
- 178.892. Definitions.
  - B. Contingent expiration dates.
  - C. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 99.845, 100.710, 100.840, 100.850, and 178.892, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 99.845, 100.710, 100.840, 100.850, 135.276, 135.277, 135.279, 135.281, 135.283, and 178.892, to read as follows:

**99.845. TAX INCREMENT FINANCING ADOPTION — DIVISION OF AD VALOREM TAXES — PAYMENTS IN LIEU OF TAX, DEPOSIT, INCLUSION AND EXCLUSION OF CURRENT EQUALIZED ASSESSED VALUATION FOR CERTAIN PURPOSES, WHEN — OTHER TAXES INCLUDED, AMOUNT — SUPPLEMENTAL TAX INCREMENT FINANCING FUND ESTABLISHED, DISBURSEMENT.** — 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861, RSMo. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula

provided for in section 163.031, RSMo, until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X, of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, RSMo, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, or effective January 1, 1998, taxes levied for the purpose of public transportation pursuant to section 94.660, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of

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economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, RSMo, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, RSMo, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221, RSMo, at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, RSMo, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the aggregate annual appropriation of the new state revenues for redevelopment areas exceed fifteen million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee

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district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. All personnel and other costs incurred by the department of economic development for the administration and operation of subsections 4 to 12 of this section shall be paid from the state general revenue fund. On an annual basis, the general revenue fund shall be reimbursed for the full amount of such costs by the developer or developers of the project or projects for which municipalities have made tax increment financing applications for the appropriation of new state revenues, as provided for in subdivision (1) of subsection 10 of this section. The amount of costs charged to each developer shall be based upon the percentage arrived at by dividing the monetary amount of the application made by each municipality for a particular project by the total monetary amount of all applications received by the department of economic development.

**14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues.**

**100.710. DEFINITIONS.** — As used in sections 100.700 to 100.850, the following terms mean:

(1) "Assessment", an amount of up to five percent of the gross wages paid in one year by an eligible industry to all eligible employees in new jobs, or up to ten percent if the economic development project is located within a distressed community as defined in section 135.530, RSMo;

(2) "Board", the Missouri development finance board as created by section 100.265;

(3) "Certificates", the revenue bonds or notes authorized to be issued by the board pursuant to section 100.840;

(4) "Credit", the amount agreed to between the board and an eligible industry, but not to exceed the assessment attributable to the eligible industry's project;

(5) "Department", the Missouri department of economic development;

(6) "Director", the director of the department of economic development;

(7) "Economic development project":

(a) The acquisition of any real property by the board, the eligible industry, or its affiliate;

or

(b) The fee ownership of real property by the eligible industry or its affiliate; and

(c) For both paragraphs (a) and (b) of subdivision (7) of this section, "economic development project" shall also include the development of the real property including construction, installation, or equipping of a project, including fixtures and equipment, and

facilities necessary or desirable for improvement of the real property, including surveys; site tests and inspections; subsurface site work; excavation; removal of structures, roadways, cemeteries and other surface obstructions; filling, grading and provision of drainage, storm water retention, installation of utilities such as water, sewer, sewage treatment, gas, electricity, communications and similar facilities; off-site construction of utility extensions to the boundaries of the real property; and the acquisition, installation, or equipping of facilities on the real property, for use and occupancy by the eligible industry or its affiliates;

(8) "Eligible employee", a person employed on a full-time basis in a new job at the economic development project averaging at least thirty-five hours per week who was not employed by the eligible industry or a related taxpayer in this state at any time during the twelve-month period immediately prior to being employed at the economic development project. **For an essential industry, a person employed on a full-time basis in an existing job at the economic development project averaging at least thirty-five hours per week may be considered an eligible employee for the purposes of the program authorized by sections 100.700 to 100.850;**

(9) "Eligible industry", a business located within the state of Missouri which is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, office industries, or agricultural processing, but excluding retail, health or professional services. "Eligible industry" does not include a business which closes or substantially reduces its operation at one location in the state and relocates substantially the same operation to another location in the state. This does not prohibit a business from expanding its operations at another location in the state provided that existing operations of a similar nature located within the state are not closed or substantially reduced. This also does not prohibit a business from moving its operations from one location in the state to another location in the state for the purpose of expanding such operation provided that the board determines that such expansion cannot reasonably be accommodated within the municipality in which such business is located, or in the case of a business located in an incorporated area of the county, within the county in which such business is located, after conferring with the chief elected official of such municipality or county and taking into consideration any evidence offered by such municipality or county regarding the ability to accommodate such expansion within such municipality or county. An eligible industry must:

(a) Invest a minimum of fifteen million dollars, or ten million dollars for an office industry, in an economic development project; and

(b) Create a minimum of one hundred new jobs for eligible employees at the economic development project or a minimum of five hundred jobs if the economic development project is an office industry or a minimum of two hundred new jobs if the economic development project is an office industry located within a distressed community as defined in section 135.530, RSMo. **An industry that meets the definition of "essential industry" may be considered an eligible industry for the purposes of the program authorized by sections 100.700 to 100.850;**

(10) "Essential industry", a business that otherwise meets the definition of eligible industry except an essential industry shall:

(a) Be a targeted industry;

(b) Be located in a home rule city with more than twenty-six thousand but less than twenty-seven thousand inhabitants located in any county with a charter form of government and with more than one million inhabitants;

(c) Have maintained at least two thousand jobs at the proposed economic development project site each year for a period of four years preceding the year in which application for the program authorized by sections 100.700 to 100.850 is made and during the year in which said application is made;

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(d) For the duration of the certificates, retain at the proposed economic development project site the level of employment that existed at the site in the taxable year immediately preceding the year in which application for the program authorized by sections 100.700 to 100.850 is made; and

(e) Invest a minimum of five hundred million dollars in the economic development project by the end of the third year after the issuance of the certificates under this program;

[(10)] (11) "New job", a job in a new or expanding eligible industry not including jobs of recalled workers, replacement jobs or jobs that formerly existed in the eligible industry in the state. **For an essential industry, an existing job may be considered a new job for the purposes of the program authorized by sections 100.700 to 100.850;**

[(11)] (12) "Office industry", a regional, national or international headquarters, a telecommunications operation, a computer operation, an insurance company, or a credit card billing and processing center;

[(12)] (13) "Program costs", all necessary and incidental costs of providing program services including payment of the principal of premium, if any, and interest on certificates, including capitalized interest, issued to finance a project, and funding and maintenance of a debt service reserve fund to secure such certificates. Program costs shall include:

(a) Obligations incurred for labor and obligations incurred to contractors, subcontractors, builders and materialmen in connection with the acquisition, construction, installation or equipping of an economic development project;

(b) The cost of acquiring land or rights in land and any cost incidental thereto, including recording fees;

(c) The cost of contract bonds and of insurance of all kinds that may be required or necessary during the course of acquisition, construction, installation or equipping of an economic development project which is not paid by the contractor or contractors or otherwise provided for;

(d) All costs of architectural and engineering services, including test borings, surveys, estimates, plans and specifications, preliminary investigations and supervision of construction, as well as the costs for the performance of all the duties required by or consequent upon the acquisition, construction, installation or equipping of an economic development project;

(e) All costs which are required to be paid under the terms of any contract or contracts for the acquisition, construction, installation or equipping of an economic development project; and

(f) All other costs of a nature comparable to those described in this subdivision;

[(13)] (14) "Program services", administrative expenses of the board, including contracted professional services, and the cost of issuance of certificates;

(15) **"Targeted industry", an industry or one of a cluster of industries that is identified by the department as critical to the state's economic security and growth and affirmed as such by the joint committee on economic development policy and planning established in section 620.602, RSMo.**

**100.840. BOARD, POWERS TO BORROW MONEY — ISSUE AND SELL CERTIFICATES — SALE OR EXCHANGE OF REFUNDING CERTIFICATES — CERTIFICATES NOT INDEBTEDNESS OF STATE. —** 1. To provide funds for the present payment of the costs of economic development projects, the board may borrow money and issue and sell certificates payable from a sufficient portion of the future receipts of payments authorized by the agreement. [The total amount of outstanding certificates sold by the board shall not exceed seventy-five million dollars.] The receipts shall be pledged to the payment of principal of and interest on the certificates. Certificates may be sold at public sale or at private sale at par, premium, or discount of not less than ninety-five percent of the par value thereof, at the discretion of the board, and may bear interest at such rate or rates as the board shall determine, notwithstanding the provisions of section 108.170, RSMo, to the contrary. Certificates may be issued with respect

to a single project or multiple projects and may contain terms or conditions as the board may provide by resolution authorizing the issuance of the certificates.

2. Certificates issued to refund other certificates may be sold at public sale or at private sale as provided in this section with the proceeds from the sale to be used for the payment of the certificates being refunded. The refunding certificates may be exchanged in payment and discharge of the certificates being refunded, in installments at different times or an entire issue or series at one time. Refunding certificates may be sold or exchanged at any time on, before, or after the maturity of the outstanding certificates to be refunded. Certificates may be issued for the purpose of refunding a like, greater or lesser principal amount of certificates and may bear a higher, lower or equivalent rate of interest than the certificates being renewed or refunded.

3. The board shall determine if revenues provided in the agreement are sufficient to secure the faithful performance of obligations in the agreement.

4. Certificates issued pursuant to this section shall not be deemed to be an indebtedness of the state or the board or of any political subdivision of the state.

**100.850. ASSESSMENTS REMITTAL, JOB DEVELOPMENT ASSESSMENT FEE — COMPANY RECORDS AVAILABLE TO BOARD, WHEN — WHEN REMITTED ASSESSMENT CEASES — TAX CREDIT AMOUNT, CAP, CLAIMING CREDIT — REFUNDS. —** 1. The approved company shall remit to the board a job development assessment fee, not to exceed five percent of the gross wages of each eligible employee whose job was created as a result of the economic development project, or not to exceed ten percent if the economic development project is located within a distressed community as defined in section 135.530, RSMo, for the purpose of retiring bonds which fund the economic development project.

2. Any approved company remitting an assessment as provided in subsection 1 of this section shall make its payroll books and records available to the board at such reasonable times as the board shall request and shall file with the board documentation respecting the assessment as the board may require.

3. Any assessment remitted pursuant to subsection 1 of this section shall cease on the date the bonds are retired.

4. Any approved company which has paid an assessment for debt reduction shall be allowed a tax credit equal to the amount of the assessment. The tax credit may be claimed against taxes otherwise imposed by chapters 143 and 148, RSMo, except withholding taxes imposed under the provisions of sections 143.191 to 143.265, RSMo, which were incurred during the tax period in which the assessment was made.

**5. In no event shall the aggregate amount of tax credits authorized by subsection 4 of this section exceed eleven million dollars annually.**

6. The director of revenue shall issue a refund to the approved company to the extent that the amount of credits allowed in subsection 4 of this section exceed the amount of the approved company's income tax.

**135.276. DEFINITIONS. — As used in sections 135.276 to 135.283, the following terms mean:**

(1) "Continuation of commercial operations", shall be deemed to occur during the first taxable year following the taxable year during which the business entered into an agreement with the department pursuant to section 135.283 in order to receive the tax exemption, tax credits and refundable credits authorized by sections 135.276 to 135.283;

(2) "Department", the department of economic development;

(3) "Director", the director of the department of economic development;

(4) "Enterprise zone", an enterprise zone created under section 135.210 that includes all or part of a home rule city with more than twenty-six thousand but less than twenty-seven thousand inhabitants located in any county with a charter form of government and with more than one million inhabitants;

(5) "Facility", any building used as a revenue-producing enterprise located within an enterprise zone, including the land on which the facility is located and all machinery, equipment, and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

(6) "NAICS", the industrial classification as such classifications are defined in the 1997 edition of the North American Industrial Classification System Manual as prepared by the Executive Office of the President, Office of Management and Budget;

(7) "Retained business facility", a facility in an enterprise zone operated by the taxpayer which satisfies the following requirements as determined by the department and included in an agreement with the department:

(a) The taxpayer agrees to a capital investment project at the facility of at least five hundred million dollars to take place over a period of two consecutive taxable years ending no later than the fifth taxable year after continuation of commercial operations;

(b) The taxpayer has maintained at least two thousand employees per year at the facility for each of the five taxable years preceding the year of continuation of commercial operations;

(c) The taxpayer agrees to maintain at least the level of employment that it had at the facility in the taxable year immediately preceding the year of continuation of commercial operations for ten consecutive taxable years beginning with the year of the continuation of commercial operations. Temporary layoffs necessary to implement the capital investment project will not be considered a violation of this requirement;

(d) The taxpayer agrees that the amount of the average wage paid by the taxpayer at the facility will exceed the average wage paid within the county in which the facility is located for ten consecutive taxable years beginning with the year of the continuation of commercial operations;

(e) Significant local incentives with respect to the project or retained facility have been committed, which incentives may consist of:

a. Cash or in-kind incentives derived from any nonstate source, including incentives provided by the affected political subdivisions, private industry and/or local chambers of commerce or similar such organizations; or

b. Relief from local taxes;

(f) Receipt of the tax exemption, tax credits, and refunds are major factors in the taxpayer's decision to retain its operations at the facility in Missouri and go forward with the capital investment project and not receiving the exemption, credits, and refunds will result in the taxpayer moving its operations out of Missouri; and

(g) There is at least one other state that the taxpayer verifies is being considered as the site to which the facility's operations will be relocated;

(8) "Retained business facility employee", a person employed by the taxpayer in the operation of a retained business facility during the taxable year for which the credit allowed by section 135.279 is claimed, except that truck drivers and rail and barge vehicle operators shall not constitute retained business facility employees. A person shall be deemed to be so employed if such person performs duties in connection with the operation of the retained business facility on a regular, full-time basis. The number of retained business facility employees during any taxable year shall be determined by dividing by twelve the sum of the number of individuals employed on the last business day of each month of such taxable year. If the retained business facility is in operation for less than the entire taxable year, the number of retained business facility employees shall be determined by dividing the sum of the number of individuals employed on the last business day of each full calendar month during the portion of such taxable year during which the retained business facility was in operation by the number of full calendar months during such period;

(9) "Retained business facility income", the Missouri taxable income, as defined in chapter 143, RSMo, derived by the taxpayer from the operation of the retained business facility. If a taxpayer has income derived from the operation of a retained business facility as well as from other activities conducted within this state, the Missouri taxable income derived by the taxpayer from the operation of the retained business facility shall be determined by multiplying the taxpayer's Missouri taxable income, computed in accordance with chapter 143, RSMo, by a fraction, the numerator of which is the property factor, as defined in paragraph (a) of this subdivision, plus the payroll factor, as defined in paragraph (b) of this subdivision, and the denominator of which is two:

(a) The "property factor" is a fraction, the numerator of which is the retained business facility investment certified for the tax period, and the denominator of which is the average value of all the taxpayer's real and depreciable tangible personal property owned or rented and used in this state during the tax period. The average value of all such property shall be determined as provided in chapter 32, RSMo;

(b) The "payroll factor" is a fraction, the numerator of which is the total amount paid during the tax period by the taxpayer for compensation to persons qualifying as retained business facility employees at the retained business facility, and the denominator of which is the total amount paid in this state during the tax period by the taxpayer for compensation. The compensation paid in this state shall be determined as provided in chapter 32, RSMo.

(10) "Retained business facility investment", the value of real and depreciable tangible personal property, acquired by the taxpayer as part of the retained business facility after the date of continuation of commercial operations, which is used by the taxpayer in the operation of the retained business facility, during the taxable year for which the credit allowed by section 135.279 is claimed, except that trucks, truck-trailers, truck semitrailers, rail vehicles, barge vehicles, aircraft and other rolling stock for hire, track, switches, barges, bridges, tunnels, rail yards, and spurs shall not constitute retained business facility investments. The total value of such property during such taxable year shall be:

(a) Its original cost if owned by the taxpayer; or

(b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The retained business facility investment shall be determined by dividing by twelve the sum of the total value of such property on the last business day of each calendar month of the taxable year. If the retained business facility is in operation for less than an entire taxable year, the retained business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such taxable year during which the retained business facility was in operation by the number of full calendar months during such period;

(11) "Revenue-producing enterprise", manufacturing activities classified as NAICS 336211.

**135.277. TAXABLE INCOME OF RETAINED BUSINESS FACILITY EXEMPT FROM INCOME TAXATION, AMOUNT.** — The provisions of chapter 143, RSMo, notwithstanding, one-half of the Missouri taxable income attributed to an approved retained business facility that is earned by a taxpayer operating the approved retained business facility may be exempt from taxation under chapter 143, RSMo. That portion of income attributed to the retained business facility shall be determined in a manner prescribed in paragraph (b) of subdivision (9) of section 135.276, except that compensation paid to truck drivers, rail, or barge vehicle operators shall be excluded from the fraction.

**135.279. TAX CREDIT, AMOUNT (HAZELWOOD FORD PLANT) — CALCULATION AND LIMITATIONS ON CREDIT. — 1.** Any taxpayer that operates an approved retained business facility in an enterprise zone may be allowed a credit, each year for ten years, in an amount determined pursuant to subsection 2 or 3 of this section, whichever is applicable, against the tax imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, as follows:

(1) The credit allowed for each retained business facility employee shall be four hundred dollars, except that for each retained business facility employee that exceeds the level of employment set forth in paragraph (b) of subdivision (7) of section 135.276, the credit shall be five hundred dollars. Transfers from another facility operated by the taxpayer in the state will not count as retained business facility employees;

(2) An additional credit of four hundred dollars shall be granted for each twelve-month period that a retained business facility employee is a resident of an enterprise zone;

(3) An additional credit of four hundred dollars shall be granted for each twelve-month period that the person employed as a retained business facility employee is a person who, at the time of such employment by the new business facility, met the criteria as set forth in section 135.240;

(4) To the extent that expenses incurred by a retained business facility in an enterprise zone for the training of persons employed in the operation of the retained business facility is not covered by an existing federal, state, or local program, such retained business facility shall be eligible for a full tax credit equal to eighty percent of that portion of such training expenses which are in excess of four hundred dollars for each trainee who is a resident of an enterprise zone or who was at the time of such employment at the retained business facility unemployable or difficult to employ as defined in section 135.240, provided such credit shall not exceed four hundred dollars for each employee trained;

(5) The credit allowed for retained business facility investment shall be equal to the sum of ten percent of the first ten thousand dollars of such qualifying investment, plus five percent of the next ninety thousand dollars of such qualifying investment, plus two percent of all remaining qualifying investments within an enterprise zone. The taxpayer's retained business facility investment shall be reduced by the amount of investment made by the taxpayer or related taxpayer which was subsequently transferred to the retained business facility from another Missouri facility and for which credits authorized in this section are not being earned.

2. The credits allowed by subsection 1 of this section shall offset the greater of:

(1) Some portion of the income tax otherwise imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, with respect to such taxpayer's retained business facility income for the taxable year for which such credit is allowed; or

(2) If the taxpayer operates no other facility in Missouri, the credits allowed in subsection 1 of this section shall offset up to fifty percent or, in the case of an economic development project located within a distressed community as defined in section 135.530, seventy-five percent of the business income tax otherwise imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, if the business operates no other facilities in Missouri.

(3) If the taxpayer operates more than one facility in Missouri, the credits allowed in subsection 1 of this section shall offset up to the greater of the portion prescribed in subdivision (1) of this subsection or twenty-five percent or, in the case of an economic development project located within a distressed community as defined in section 135.530, thirty-five percent of the business' tax, except that no taxpayer operating more than one facility in Missouri shall be allowed to offset more than twenty-five percent or, in the case of an economic development project located within a distressed community as defined in

section 135.530, thirty-five percent of the taxpayer's business income tax in any tax period under the method prescribed in this subdivision.

3. In the case where a person employed by the retained business facility is a resident of the enterprise zone for less than a twelve-month period, or in the case where a person employed as a retained business facility employee is a person who, at the time of such employment by the retained business facility, met the criteria as set forth in section 135.240, is employed for less than a twelve-month period, the credits allowed by subdivisions (2) and (3) of subsection 1 of this section shall be determined by multiplying the dollar amount of the credit by a fraction, the numerator of which is the number of calendar days during the taxpayer's tax year for which such credits are claimed, in which the person met the requirements prescribed in subdivision (2) or (3) of this subsection, and the denominator of which is three hundred and sixty-five.

4. Notwithstanding any provision of law to the contrary, any taxpayer who claims the exemption and credits allowed in sections 135.276 to 135.283 shall not be eligible to receive the exemption allowed in section 135.220, the credits allowed in sections 135.225 and 135.235 and the refund authorized by section 135.245 or the tax credits allowed in section 135.110. The taxpayer must elect among the options. To perfect the election, the taxpayer shall attach written notification of such election to the taxpayer's initial application for claiming tax credits. The election shall be irreversible once perfected.

5. A taxpayer shall not receive the income exemption described in section 135.276 and the tax credits described in subsection 1 of this section for any year in which the terms and conditions of sections 135.276 to 135.283 are not met. Such incentives shall not exceed the fifteen-year limitation pursuant to subsection 1 of section 135.230 or the seven-year limitation pursuant to subsection 5 of section 135.230.

6. The initial application for claiming tax credits must be made in the taxpayer's tax period immediately following the tax period in which commencement of commercial operations began at the new business facility.

7. Credits may not be carried forward but shall be claimed for the taxable year during which continuation of commercial operations occurs at such retained business facility, and for each of the nine succeeding taxable years.

**135.281. APPLICATION FOR INCOME TAX REFUND (HAZELWOOD FORD PLANT) — APPROVAL PROCEDURES. —** 1. Any taxpayer operating an approved retained business facility that is located within a state enterprise zone established pursuant to sections 135.200 to 135.256 may make an application to the department of economic development for an income tax refund.

2. Such refunds shall be approved only if the amount of tax credits certified for the taxpayer in the taxable year exceeded the company's total Missouri tax on taxable income in that year by an amount equal to at least one million dollars. In such cases, a portion of tax credits earned shall constitute an overpayment of taxes and may be refunded to the taxpayer in the manner authorized by this section.

3. The department shall evaluate and may approve such applications based upon the importance of the approved retained business facility to the economy of Missouri, the company's investment of at least five hundred million dollars in facilities or equipment, and the number of jobs to be created or retained. Such applications may be approved annually for no longer than five successive years. The maximum amount of refund that may be awarded to the manufacturer or assembler shall not exceed two million dollars per year. Notwithstanding other provisions of law to the contrary, if the taxpayer's tax credits issued under sections 135.276 to 135.283 for a taxable year exceed the taxpayer's taxable income by more than two million dollars, the credits may be carried forward for five years or until used, whichever is earlier, and may be included in refund amounts otherwise authorized by this section.

**135.283. PROGRAM APPLICATION — APPROVAL BY DEPARTMENT — EXECUTED AGREEMENT REQUIRED, CONTENTS. — 1.** A taxpayer shall apply to the department for approval to participate in the program authorized by sections 135.276 to 135.283. The application shall be in a form prescribed by and contain all information requested by the department to determine eligibility for the program and for the department to make its decision whether to approve the taxpayer for participation in the program.

**2.** The department may issue an approval contingent upon the successful execution of an agreement between the department and the taxpayer seeking approval of a facility as a retained business facility which shall include, but not be limited to, the following:

- (1) A detailed description of the project that is the subject of the agreement;
- (2) A requirement that the taxpayer shall annually report to the department the total amount of salaries and wages paid to eligible employees in retained business facility jobs, and any other information the department requires to confirm compliance with the requirements of sections 135.276 to 135.283;
- (3) A requirement that the taxpayer shall provide written notification to the director not more than thirty days after the taxpayer makes or receives a proposal that would transfer the taxpayer's state tax liability obligations to a successor taxpayer;
- (4) A requirement that the taxpayer shall maintain operations at the facility location for at least ten years at a certain employment level;
- (5) The requirements otherwise required by sections 135.276 to 135.283; and
- (6) A provision for repayment of incentives upon breach of the agreement.

**178.892. DEFINITIONS. —** As used in sections 178.892 to 178.896, the following terms mean:

(1) "Agreement", the agreement, between an employer and a junior college district, concerning a project. An agreement may be for a period not to exceed ten years when the program services associated with a project are not in excess of five hundred thousand dollars. For a project where associated program costs are greater than five hundred thousand dollars, the agreement may not exceed a period of eight years. No agreement shall be entered into between an employer and a community college district which involves the training of potential employees with the purpose of replacing or supplanting employees engaged in an authorized work stoppage;

(2) "Board of trustees", the board of trustees of a junior college district;

(3) "Certificate", industrial new jobs training certificates issued pursuant to section 178.895;

(4) "Date of commencement of the project", the date of the agreement;

(5) "Employee", the person employed in a new job;

(6) "Employer", the person providing new jobs in conjunction with a project;

(7) "Essential industry", a business that otherwise meets the definition of industry but instead of creating new jobs maintains existing jobs. To be an essential industry, the business must have maintained at least two thousand jobs each year for a period of four years preceding the year in which application for the program authorized by sections 178.892 to 178.896 is made and must be located in a home rule city with more than twenty-six thousand but less than twenty-seven thousand inhabitants located in any county with a charter form of government and with more than one million inhabitants;

(8) "Existing job", a job in an essential industry that pays wages or salary greater than the average of the county in which the project will be located;

(9) "Industry", a business located within the state of Missouri which enters into an agreement with a community college district and which is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail services. "Industry" does not include a business which closes or substantially reduces its operation in one area of the state and relocates substantially the same operation in another area

of the state. This does not prohibit a business from expanding its operations in another area of the state provided that existing operations of a similar nature are not closed or substantially reduced;

[(8)] (10) "New job", a job in a new or expanding industry not including jobs of recalled workers, or replacement jobs or other jobs that formerly existed in the industry in the state. **For an essential industry, an existing job shall be considered a new job for the purposes of the new job training programs;**

[(9)] (11) "New jobs credit from withholding", the credit as provided in section 178.894;

[(10)] (12) "New jobs training program" or "program", the project or projects established by a community college district for the creation of jobs by providing education and training of workers for new jobs for new or expanding industry in the state;

[(11)] (13) "Program costs", all necessary and incidental costs of providing program services including payment of the principal of, premium, if any, and interest on certificates, including capitalized interest, issued to finance a project, funding and maintenance of a debt service reserve fund to secure such certificates and wages, salaries and benefits of employees participating in on-the-job training;

[(12)] (14) "Program services" includes, but is not limited to, the following:

- (a) New jobs training;
- (b) Adult basic education and job-related instruction;
- (c) Vocational and skill-assessment services and testing;
- (d) Training facilities, equipment, materials, and supplies;
- (e) On-the-job training;
- (f) Administrative expenses equal to fifteen percent of the total training costs;
- (g) Subcontracted services with state institutions of higher education, private colleges or universities, or other federal, state, or local agencies;
- (h) Contracted or professional services; and
- (i) Issuance of certificates;

[(13)] (15) "Project", a training arrangement which is the subject of an agreement entered into between the community college district and an employer to provide program services;

[(14)] (16) "Total training costs", costs of training, including supplies, wages and benefits of instructors, subcontracted services, on-the-job training, training facilities, equipment, skill assessment and all program services excluding issuance of certificates.

**SECTION B. CONTINGENT EXPIRATION DATES.** — The provisions of section A of this act shall expire on January 1, 2006, if no essential industry retention projects have been approved by the department of economic development by December 31, 2005. If an essential industry retention project has been approved by the department of economic development by December 31, 2005, the provisions of section A of this act shall expire on January 1, 2020.

**SECTION C. EMERGENCY CLAUSE.** — Because of the need to retain vital jobs across the state, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved June 18, 2003

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## SB 621 [SCS SB 621]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Allows certain cities to abate certain types of public nuisances and charge the cost of removal against owner.**

AN ACT to amend chapter 82, RSMo, by adding thereto one new section relating to removal of nuisances, with a termination date.

**SECTION**

- A. Enacting clause.
- 82.291. Derelict vehicle, removal as a nuisance (Hazelwood) — definition, procedure — termination date.
- B. Termination date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 82, RSMo, is amended by adding thereto one new section, to be known as section 82.291, to read as follows:

**82.291. DERELICT VEHICLE, REMOVAL AS A NUISANCE (HAZELWOOD) — DEFINITION, PROCEDURE — TERMINATION DATE.** — **1.** For purposes of this section, "derelict vehicle" means any motor vehicle or trailer that was originally designed or manufactured to transport persons or property on a public highway, road, or street and that is junked, scrapped, dismantled, disassembled, or in a condition otherwise harmful to the public health, welfare, peace, and safety.

**2.** The owner of any property located in any home rule city with more than twenty-six thousand two hundred but less than twenty-six thousand three hundred inhabitants, except any property subclassed as agricultural and horticultural property pursuant to section 4(b), article X, of the Constitution of Missouri or any property containing any licensed vehicle service or repair facility, who permits derelict vehicles or substantial parts of derelict vehicles to remain on the property other than inside a fully enclosed permanent structure designed and constructed for vehicle storage shall be liable for the removal of the vehicles or the parts if they are declared to be a public nuisance.

**3.** To declare derelict vehicles or parts of derelict vehicles to be a public nuisance, the governing body of the city shall give a hearing upon ten days' notice, either personally or by United States mail to the owner or agent, or by posting a notice of the hearing on the property. At the hearing, the governing body may declare the vehicles or the parts to be public nuisances, and may order the nuisance to be removed within five business days. If the nuisance is not removed within the five days, the governing body or the designated city official shall have the nuisance removed and shall certify the costs of the removal to the city clerk or the equivalent official, who shall cause a special tax bill for the removal to be prepared against the property and collected by the collector with other taxes assessed on the property, and to be assessed any interest and penalties for delinquency as other delinquent tax bills are assessed as permitted by law.

**SECTION B. TERMINATION DATE.** — The provisions of this section shall terminate on August 28, 2004.

Approved July 9, 2003

## SB 623 [SB 623]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Creates procedures for challenges to fiscal notes in initiatives and referenda.**

AN ACT to repeal sections 116.175 and 116.190, RSMo, and to enact in lieu thereof two new sections relating to challenges to fiscal notes and fiscal note summaries.

**SECTION**

A. Enacting clause.

116.175. Fiscal impact of proposed measure — fiscal note, fiscal note summary, requirements — return of fiscal note for revision, when.

116.190. Ballot title may be challenged, procedure — who are parties defendant — changes may be made by court — appeal to supreme court, when.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 116.175 and 116.190, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 116.175 and 116.190, to read as follows:

**116.175. FISCAL IMPACT OF PROPOSED MEASURE — FISCAL NOTE, FISCAL NOTE SUMMARY, REQUIREMENTS — RETURN OF FISCAL NOTE FOR REVISION, WHEN.** — 1. Except as provided in section 116.155, upon receipt from the secretary of state's office of any petition sample sheet, joint resolution or bill, the auditor shall assess the fiscal impact of the proposed measure. The state auditor may consult with the state departments, local government entities, the general assembly and others with knowledge pertinent to the cost of the proposal. Proponents or opponents of any proposed measure may submit to the state auditor a proposed statement of fiscal impact estimating the cost of the proposal in a manner consistent with the standards of the governmental accounting standards board and section 23.140, RSMo, provided that all such proposals are received by the state auditor within ten days of his or her receipt of the proposed measure from the secretary of state.

2. Within twenty days of receipt of a petition sample sheet, joint resolution or bill from the secretary of state, the state auditor shall prepare a fiscal note and a fiscal note summary for the proposed measure and forward both to the attorney general.

3. The fiscal note and fiscal note summary shall state the measure's estimated cost or savings, if any, to state or local governmental entities. The fiscal note summary shall contain no more than fifty words, excluding articles, which shall summarize the fiscal note in language neither argumentative nor likely to create prejudice either for or against the proposed measure.

4. The attorney general shall, within ten days of receipt of the fiscal note and the fiscal note summary, approve the legal content and form of the fiscal note summary prepared by the state auditor and shall forward notice of such approval to the state auditor.

**5. If the attorney general or the circuit court of Cole County determines that the fiscal note or the fiscal note summary do not satisfy the requirements of this section, the fiscal note and the fiscal note summary shall be returned to the auditor for revision. A fiscal note or fiscal note summary that does not satisfy the requirements of this section also shall not satisfy the requirements of section 116.180.**

**116.190. BALLOT TITLE MAY BE CHALLENGED, PROCEDURE — WHO ARE PARTIES DEFENDANT — CHANGES MAY BE MADE BY COURT — APPEAL TO SUPREME COURT, WHEN.** — 1. Any citizen who wishes to challenge the official ballot title or the fiscal note prepared for a proposed constitutional amendment submitted by the general assembly, by initiative petition,

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or by constitutional convention, or for a statutory initiative or referendum measure, may bring an action in the circuit court of Cole County. The action must be brought within ten days after the official ballot title is certified by the secretary of state in accordance with the provisions of this chapter.

2. The secretary of state shall be named as a party defendant in any action challenging the official ballot title prepared by the secretary of state. When the action challenges the fiscal note or the fiscal note summary prepared by the auditor, the state auditor shall also be named as a party defendant. The president pro tem of the senate, the speaker of the house and the sponsor of the measure and the secretary of state shall be the named party defendants in any action challenging the official summary statement, fiscal note or fiscal note summary prepared pursuant to section 116.155.

3. The petition shall state the reason or reasons why the **summary statement portion of the official ballot title is insufficient or unfair and shall request a different summary statement portion of the official ballot title. Alternatively, the petition shall state the reasons why the fiscal note or the fiscal note summary portion of the official ballot title is insufficient or unfair and shall request a different fiscal note or fiscal note summary portion of the official ballot title.**

4. The action shall be placed at the top of the civil docket. **Inssofar as the action challenges the summary statement portion of the official ballot title, the court shall consider the petition, hear arguments, and in its decision certify the summary statement portion of the official ballot title to the secretary of state. Inssofar as the action challenges the fiscal note or the fiscal note summary portion of the official ballot title, the court shall consider the petition, hear arguments, and in its decision, either certify the fiscal note or the fiscal note summary portion of the official ballot title to the secretary of state or remand the fiscal note or the fiscal note summary to the auditor for preparation of a new fiscal note or fiscal note summary pursuant to the procedures set forth in section 116.175.** Any party to the suit may appeal to the supreme court within ten days after a circuit court decision. In making the legal notice to election authorities under section 116.240, **and for the purposes of section 116.180,** the secretary of state shall certify the language which the court certifies to him.

Approved July 11, 2003

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## SB 651 [SB 651]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Makes the Norton/Cynthiana grape the official state grape.**

AN ACT to amend chapter 10, RSMo, by adding thereto one new section relating to the establishment of an official state grape.

### SECTION

- A. Enacting clause.
- 10.160. State grape.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 10, RSMo, is amended by adding thereto one new section, to be known as section 10.160, to read as follows:

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**10.160. STATE GRAPE.** — The Norton/Cynthiana grape, designated as *Vitis aestivalis*, is hereby selected for, and shall be known as, the official state grape of the state of Missouri.

Approved July 11, 2003

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SB 666 [HCS SCS SB 666]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**School districts with multiple attendance centers shall develop policies regarding intra-district transfers.**

AN ACT to amend chapter 162, RSMo, by adding thereto one new section relating to intra-school district transfer policies.

SECTION

A. Enacting clause.

162.1190. Multiple attendance centers for same grade level, board to have policy for transfer of students.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 162, RSMo, is amended by adding thereto one new section, to be known as section 162.1190, to read as follows:

**162.1190. MULTIPLE ATTENDANCE CENTERS FOR SAME GRADE LEVEL, BOARD TO HAVE POLICY FOR TRANSFER OF STUDENTS.** — The school board of each school district with multiple attendance centers containing the same grade levels shall, no later than July 1, 2004, develop, and make available to the public, a policy regarding the transfer of that school district's students to other schools within the district.

Approved July 7, 2003

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SB 675 [CCS HCS SCS SB 675]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Eliminates certain funds and charges interest against certain other funds.**

AN ACT to repeal sections 33.080, 166.300, 339.105, and 374.150, RSMo, and to enact in lieu thereof five new sections relating to certain special funds, with penalty provisions and an effective date for a certain section.

SECTION

A. Enacting clause.

33.080. Receipts deposited when, appropriated when — funds lapse when, exceptions, report — violation, a misdemeanor — transfer of accrued interest from certain funds to general revenue, when.

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- 43.252. Highway patrol traffic records fund created, moneys to be deposited into fund.
- 166.300. Definitions — school building revolving fund created — lease purchases for projects, plan — eligibility for a lease purchase — ranking of projects — plan waived, when — repayment, interest — failure to make annual payments, state to take possession of buildings, procedure.
- 339.105. Separate bank escrow accounts required — service charges for account may be made by personal deposit by broker, amount allowed.
- 374.150. Fees paid to director of revenue, exception — department of insurance dedicated fund established, purpose — lapse into general revenue, when — one-time transfer of a portion of the balance in the fund, when.
- B. Effective date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 33.080, 166.300, 339.105, and 374.150, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 33.080, 43.252, 166.300, 339.105, and 374.150, to read as follows:

**33.080. RECEIPTS DEPOSITED WHEN, APPROPRIATED WHEN — FUNDS LAPSE WHEN, EXCEPTIONS, REPORT — VIOLATION, A MISDEMEANOR — TRANSFER OF ACCRUED INTEREST FROM CERTAIN FUNDS TO GENERAL REVENUE, WHEN.** — **1.** All fees, funds and moneys from whatsoever source received by any department, board, bureau, commission, institution, official or agency of the state government by virtue of any law or rule or regulation made in accordance with any law, excluding all funds received and disbursed by the state on behalf of counties and cities, towns and villages shall, by the official authorized to receive same, and at stated intervals of not more than thirty days, be placed in the state treasury to the credit of the particular purpose or fund for which collected, and shall be subject to appropriation by the general assembly for the particular purpose or fund for which collected during the biennium in which collected and appropriated. The unexpended balance remaining in all such funds (except such unexpended balance as may remain in any fund authorized, collected and expended by virtue of the provisions of the constitution of this state) shall at the end of the biennium and after all warrants on same have been discharged and the appropriation thereof has lapsed, be transferred and placed to the credit of the ordinary revenue fund of the state by the state treasurer. Any official or any person who shall willfully fail to comply with any of the provisions of this section, and any person who shall willfully violate any provision hereof, shall be deemed guilty of a misdemeanor; provided, that all such money received by the curators of the University of Missouri except those funds required by law or by instrument granting the same to be paid into the seminary fund of the state, is excepted herefrom, and in the case of other state educational institutions there is excepted herefrom, gifts or trust funds from whatever source; appropriations; gifts or grants from the federal government, private organizations and individuals; funds for or from student activities; farm or housing activities; and other funds from which the whole or some part thereof may be liable to be repaid to the person contributing the same; and hospital fees. All of the above excepted funds shall be reported in detail quarterly to the governor and biennially to the general assembly.

**2. Notwithstanding any provision of law to the contrary concerning the funds listed in subdivisions (1) to (23) of this subsection, an amount equal to the sum of all interest that has accrued in the funds listed in subdivisions (1) to (23) of this subsection during the two-year period beginning July 1, 2001, and ending June 30, 2003, shall be transferred and placed to the credit of the general revenue fund of the state by the state treasurer upon the effective date of this act. The funds subject to the provisions of this section are as follows:**

- (1) Residential mortgage licensing fund created pursuant to section 443.845, RSMo;
- (2) Gaming commission bingo fund created pursuant to section 313.008, RSMo;
- (3) Missouri air emission reduction fund created pursuant to section 643.350, RSMo;
- (4) Mental health housing trust fund created pursuant to section 215.054, RSMo;
- (5) Division of credit unions fund created pursuant to section 370.107, RSMo;

- (6) Division of savings and loan supervision fund created pursuant to section 369.324, RSMo;
- (7) Division of finance fund created pursuant to section 361.170, RSMo;
- (8) Natural resources protection fund created pursuant to section 640.220, RSMo, with the exception of the water permit fees subaccount and damages subaccount;
- (9) Endowed care cemetery audit fund created pursuant to section 193.265, RSMo;
- (10) Metallic minerals waste management fund created pursuant to section 444.370, RSMo;
- (11) Natural resources protection air pollution asbestos fee subaccount fund created pursuant to section 643.245, RSMo;
- (12) Chemical emergency preparedness fund created pursuant to section 292.607, RSMo;
- (13) Legal defense and defender fund created pursuant to section 600.090, RSMo;
- (14) Safe drinking water fund created pursuant to section 640.110, RSMo;
- (15) Coal mine land reclamation fund created pursuant to section 444.960, RSMo;
- (16) Missouri horse racing commission fund created pursuant to section 313.530, RSMo;
- (17) Hazardous waste remedial fund created pursuant to section 260.480, RSMo;
- (18) Missouri air pollution control fund created pursuant to section 307.366, RSMo;
- (19) Property reuse fund created pursuant to section 447.710, RSMo;
- (20) State transportation assistance revolving fund created pursuant to section 226.191, RSMo;
- (21) Correctional substance abuse earnings fund created pursuant to section 559.635, RSMo;
- (22) Mined land reclamation fund created pursuant to section 444.730, RSMo;
- (23) Aviation trust fund created pursuant to section 155.090, RSMo.

3. Notwithstanding any provision of law to the contrary concerning the funds listed in subdivisions (1) to (5) of this subsection, the amount specified for each fund listed in subdivisions (1) to (5) of this subsection shall be transferred and placed to the credit of the general revenue fund of the state by the state treasurer before October 1, 2003. The funds subject to the provisions of this subsection and the amount of transfer are as follows:

- (1) State fair fees fund created pursuant to section 262.260, RSMo, six thousand dollars;
- (2) Petroleum inspection fund created pursuant to section 414.082, RSMo, seventy-seven thousand six hundred and seventeen dollars;
- (3) Department of revenue information fund pursuant to section 32.067, RSMo, two hundred and fifty thousand dollars;
- (4) Secretary of state's technology trust fund account established pursuant to section 28.160, RSMo, one hundred and two thousand dollars;
- (5) Administrative trust fund established pursuant to subsection 11 of section 37.005, RSMo, three million five hundred thousand dollars.

**43.252. HIGHWAY PATROL TRAFFIC RECORDS FUND CREATED, MONEYS TO BE DEPOSITED INTO FUND.** — All moneys received by the superintendent of the Missouri highway patrol for the copying of reports, photographs, and other related materials of highway patrol investigated motor vehicle accidents and for requests for specialized statistical computer analysis of motor vehicle accident investigation data shall be deposited in the state treasury to the credit of the "Highway Patrol Traffic Records Fund" which is hereby created. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, if the moneys collected and deposited into the fund are not totally expended annually by the highway patrol at the end of the biennium, such unexpended monies in such fund shall remain in the fund and shall not revert to the state general revenue fund.

**166.300. DEFINITIONS — SCHOOL BUILDING REVOLVING FUND CREATED — LEASE PURCHASES FOR PROJECTS, PLAN — ELIGIBILITY FOR A LEASE PURCHASE — RANKING OF PROJECTS — PLAN WAIVED, WHEN — REPAYMENT, INTEREST — FAILURE TO MAKE ANNUAL PAYMENTS, STATE TO TAKE POSSESSION OF BUILDINGS, PROCEDURE.** — 1. As used in this section, the following words and phrases shall mean:

(1) "Capital improvement projects", expenditures for lands or existing buildings, improvements of grounds, construction of buildings, additions to buildings, remodeling of buildings and initial equipment purchases;

(2) "School facility", a structure dedicated primarily to housing teachers and students in the instructional process, but shall not include buildings dedicated primarily to administrative and support functions within the school.

2. There is hereby created a revolving fund to be known as the "School Building Revolving Fund". All forfeitures of assets transferred pursuant to section 166.131, all gifts and bequests to such fund, and such moneys as may be appropriated to the fund shall be deposited into the school building revolving fund; except that no more than four hundred forty million dollars, in the aggregate, shall be transferred to the fund. After a fund balance has been established by prior years' deposits and interest, school districts may submit applications for lease purchases from the revolving fund for specific projects consistent with rules and regulations of the state board of education and subsection 3 of this section, except that no school district may be permitted to enter into a lease purchase from the school building revolving fund without first submitting a long-range capital improvements plan.

3. To be eligible for a lease purchase authorized by this section:

(1) A school district shall meet the minimum criteria for state aid and for increases in state aid established pursuant to section 163.021, RSMo;

(2) A school district shall provide a program which is accredited by the state board of education for grades kindergarten through twelve or for grades kindergarten through eight; and

(3) A school district shall have an equalized, assessed valuation per eligible pupil for the preceding year which is less than the statewide average equalized, assessed valuation per eligible pupil for the preceding year; and

(4) A school district shall have a bonded indebtedness which is no less than ninety percent of the constitutional limitation on indebtedness pursuant to section 26(b) of article VI of the Constitution of Missouri.

4. Lease purchase applications shall be funded, as funds allow, first for all applications pursuant to subdivision (1) of this subsection and then for applications pursuant to subdivision (2) of this subsection and then for applications pursuant to subdivision (3) of this subsection, and for funding of applications pursuant to a particular subdivision, applications shall be funded in the order that the applications are received by the department. If two or more applications are received on the same day, the district with the lowest appraised valuation per pupil shall be given priority. Ranking of the applications for offering of lease purchases shall be done in the following order:

(1) Districts with capital replacement costs in excess of insurance proceeds due to facility destruction caused by fire or natural disaster shall be ranked on the basis of percentage of bonding capacity;

(2) Districts with a cumulative percentage growth in fall membership for the third through the fifth preceding years in excess of twelve percent and which have a bonded indebtedness which is no less than ninety percent of the constitutional limitation on indebtedness pursuant to section 26(b) of article VI of the Constitution of Missouri; and

(3) Districts with an equalized assessed valuation per pupil which is less than the statewide average equalized assessed valuation per pupil and which have a bonded indebtedness which is no less than ninety percent of the constitutional limitation on indebtedness pursuant to section 26(b) of article VI of the Constitution of Missouri.

5. When building replacement is caused by fire or natural disaster, the requirement for a school district to have a long-range capital improvements plan may be waived by the state board of education.

6. Each school district participating in a lease purchase from the school building revolving fund shall repay such lease purchase in no more than ten annual payments made on or before June thirtieth of each year. The first such payment shall be due and payable on June thirtieth of the first full fiscal year following receipt of lease purchase proceeds. Lease purchase repayments shall be immediately deposited to the school building revolving fund by the department. Interest charged to the school district shall not exceed three percent.

7. Any school district which fails to obligate the full amount of a loan from the school building revolving fund for the allowable lease purchase must return the unobligated amount plus interest earned to the department no later than June thirtieth of the second full fiscal year after receipt of loan proceeds.

8. If a school district fails to make an annual payment to the school building revolving fund after notice of nonpayment by the department, members of the board of education and the school district's superintendent shall have violated section 162.091, RSMo, and the attorney general of the state of Missouri shall be notified by the state board of education to begin prosecution procedures.

9. All property purchased pursuant to a lease purchase from the school building revolving fund shall remain the property of the state until such time as the lease purchase has been fully repaid pursuant to this section. If a school district does not make an annual payment to the school building revolving fund after notice of nonpayment by the department, the state board of education may, if the delinquency exceeds one hundred eighty days, take possession of the property. As a part of the lease purchase agreement, the school district shall agree to assume all costs, obligations and liabilities for or arising out of establishment, operation and maintenance of the lease purchase property. Other provisions of law to the contrary notwithstanding, neither the state nor any state agency shall have any obligation for such costs, obligations or liabilities unless and until the state board of education takes possession of the property pursuant to this subsection upon a school district's failure to make annual payments as required in the lease purchase agreement.

10. [Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the school building revolving fund shall not be transferred to the credit of the general revenue fund at the end of the biennium. All yield, interest, income, increment or gain received from time deposit of moneys in the state treasury to the credit of the fund shall be credited by the state treasurer to the fund.] **Any unobligated cash balance in the school building revolving fund as of the effective date of this act, shall be transferred to aid the public schools of this state pursuant to section 163.031, RSMo. Any and all deposits made to the school building revolving fund after August 28, 2003, shall be immediately transferred to the state school moneys fund, pursuant to section 166.051.**

**339.105. SEPARATE BANK ESCROW ACCOUNTS REQUIRED — SERVICE CHARGES FOR ACCOUNT MAY BE MADE BY PERSONAL DEPOSIT BY BROKER, AMOUNT ALLOWED.** — 1. Each broker **who holds funds belonging to another** shall maintain **such funds in** a separate bank [checking] account in a financial institution[, either a bank, savings and loan association or a credit union in this state, or in an adjoining state with written permission of the commission,] which shall be designated an escrow or trust account [in which all money not his own coming into his possession, including]. This requirement includes funds in which he **or she** may have some future interest or claim[.]. Such funds shall be deposited promptly unless all parties having an interest in the funds have agreed otherwise in writing. No broker shall commingle his **or her** personal funds or other funds in this account with the exception that a broker may deposit and keep a sum not to exceed [five hundred] **one thousand** dollars in the account from his **or her** personal funds, which sum shall be specifically identified and deposited to cover service charges

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related to the account. [The commission may, by written waiver issued for good cause as defined by rule and regulation, relieve a broker from the obligation to maintain a separate escrow or trust account.]

2. [Before issuance of a broker license,] Each broker shall notify the commission of the name of **his or her intent not to maintain an escrow account, or the name of** the financial institution in which each escrow or trust account is maintained, the name and number of each such account, and shall file written authorization directed to each financial institution to allow the commission or its authorized representative to examine each such account; such notification and authorization shall be submitted on forms provided therefor by the commission [but shall not be required in any case where maintenance of an escrow or trust account has been waived pursuant to subsection 1 of this section]. A broker shall notify the commission within [fifteen] **ten business** days of any change of **his or her intent to maintain an escrow account, the** financial institution [or], account numbers, **or change in account status.**

3. In conjunction with each escrow or trust account a broker shall maintain [at his usual place of business,] books, records, contracts and other necessary documents so that the adequacy of said account may be determined at any time. The account and other records shall be [open] **provided to** [inspection by] the commission and its duly authorized agents **for inspection** at all times during regular business hours at the broker's usual place of business.

4. **Whenever the ownership of any escrow moneys received by a broker pursuant to this section is in dispute by the parties to a real estate sales transaction, the broker shall report and deliver the moneys to the state treasurer within three hundred sixty-five days of the date of the initial projected closing date in compliance with sections 447.500 to 447.595, RSMo. The parties to a real estate sales transaction may agree in writing that the funds are not in dispute and shall notify the broker who is holding the funds.**

5. A broker shall not be entitled to any [part of the earnest] money or other money paid to him **or her** in connection with any real estate **sales** transaction as part or all of his **or her** commission or fee until the transaction has been consummated or terminated, unless agreed in writing by all parties to the transaction.

[5.] 6. When, through investigations or otherwise, the commission has reasonable cause to believe that a licensee has acted, is acting or is about to act in violation of this section, the commission may, through the attorney general or any [of his] assistants designated by [him] **the attorney general**, proceed in the name of the commission to institute suit to enjoin any act or acts in violation of this section.

[6.] 7. Any such suit shall be commenced in either the county in which the defendant resides or in the county in which the defendant has acted, is acting or is about to act in violation of this section.

[7.] 8. In such proceeding, the court shall have power to issue such temporary restraining order or injunction orders, without bond, which are necessary to protect the public interest. Any action brought under this section shall be in addition to and not in lieu of any other provisions of this chapter. In such action, the commission or the state need not allege or prove that there is no adequate remedy at law or that any individual has suffered any economic injury as a result of the activity sought to be enjoined.

**374.150. FEES PAID TO DIRECTOR OF REVENUE, EXCEPTION — DEPARTMENT OF INSURANCE DEDICATED FUND ESTABLISHED, PURPOSE — LAPSE INTO GENERAL REVENUE, WHEN — ONE-TIME TRANSFER OF A PORTION OF THE BALANCE IN THE FUND, WHEN. — 1.** All fees due the state under the provisions of the insurance laws of this state shall be paid to the director of revenue and deposited in the state treasury to the credit of the insurance department fund unless otherwise provided for in subsection 2 of this section.

2. There is hereby established in the state treasury a special fund to be known as the "Department of Insurance Dedicated Fund". The fund shall be subject to appropriation of the general assembly and shall be devoted solely to the payment of expenditures incurred by the

department of insurance attributable to duties performed by the department as required by law which are not paid for by another source of funds. Other provisions of law to the contrary notwithstanding, beginning on January 1, 1991, all fees charged under any provision of chapter 325, 354, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384 or 385, RSMo, due the state shall be paid into this fund. The state treasurer shall invest moneys in this fund in the same manner as other state funds and any interest or earnings on such moneys shall be credited to the department of insurance dedicated fund. The provisions of section 33.080, RSMo, notwithstanding, moneys in the fund shall not lapse, be transferred to or placed to the credit of the general revenue fund unless and then only to the extent to which the unencumbered balance at the close of the biennium year exceeds two times the total amount appropriated, paid, or transferred to the fund during such fiscal year.

**3. Notwithstanding the provisions of this section to the contrary, fifty-five percent of the balance in the department of insurance dedicated fund as of the effective date of this act or six million fifteen thousand eight hundred and fifty-five dollars, whichever is greater, shall be subject to an immediate one-time transfer to the state general revenue fund.**

**SECTION B. EFFECTIVE DATE.** — The repeal and reenactment of section 339.105 shall become effective on January 1, 2004.

Approved June 26, 2003

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## SB 686 [CCS HS HCS SCS SB 686]

### Articulates conditions upon which school districts may transfer unrestricted funds.

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

AN ACT to repeal sections 115.121, 115.124, 162.261, 162.431, 162.601, 165.011, 165.016, 171.031, 177.086, 324.245, and 393.310, RSMo, and to enact in lieu thereof thirteen new sections relating to education, with an emergency clause for certain sections.

#### SECTION

- A. Enacting clause.
  - 115.121. General election, when held — primary election, when held — general municipal election day defined — special election to incur debt for certain purposes.
  - 115.124. Nonpartisan election in political subdivision or special district, no election required if number of candidates filing is same as number of positions to be filled — exceptions — random drawing filing procedure followed when election is required.
  - 162.261. Seven-director district, board of, terms — vacancies — prohibition on hiring spouse of board member, when.
  - 162.431. Boundary change — procedure — arbitration — compensation of arbitrators — resubmission of changes restricted.
  - 162.601. Election of board members, terms — members appointed due to vacancies, terms — qualifications.
  - 162.1180. Instructional services and programs, educational service agency may be designated, organization, meetings.
  - 165.011. Tuition — accounting of school moneys, funds — uses — transfers to and from incidental fund, when — effect of unlawful transfers — transfers to debt service fund, when — certain one-time transfers permitted in certain counties and districts.
  - 165.016. Amount to be spent on tuition, retirement and compensation — base school year certificated salary percentage — exemption and revision — penalty — exceptions.
  - 171.031. Board to prepare calendar — minimum term — hour limitation.
  - 177.086. Construction of facilities, sealed bids and public advertisement required, when.
  - 324.245. Authority of board — rulemaking — massage therapy fund.
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- 393.310. Certain gas corporations to file set of experimental tariffs with PSC, minimum requirements — expiration date.
1. Meningococcal disease, all on-campus students provided information on — election to receive vaccination — records to be maintained.
  - B. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Sections 115.121, 115.124, 162.261, 162.431, 162.601, 165.011, 165.016, 171.031, 177.086, 324.245, and 393.310, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 115.121, 115.124, 162.261, 162.431, 162.601, 162.1180, 165.011, 165.016, 171.031, 177.086, 324.245, 393.310, and 1, to read as follows:

**115.121. GENERAL ELECTION, WHEN HELD — PRIMARY ELECTION, WHEN HELD — GENERAL MUNICIPAL ELECTION DAY DEFINED — SPECIAL ELECTION TO INCUR DEBT FOR CERTAIN PURPOSES.** — 1. The general election day shall be the first Tuesday after the first Monday in November of even-numbered years.

2. The primary election day shall be the first Tuesday after the first Monday in August of even-numbered years.

3. The election day for the election of political subdivision and special district officers shall be the first Tuesday after the first Monday in April each year; and shall be known as the "general municipal election day".

**4. In addition to the primary election day provided for in subsection 2 of this section, for the year 2003, the first Tuesday after the first Monday in August 2003 also shall be a primary election day for the purpose of permitting school districts and other political subdivisions of Missouri to incur debt in accordance with the provisions of article VI, section 26(a) through 26(g) of the Missouri Constitution, with the approval of four-sevenths of the eligible voters of such school district or other political subdivision voting thereon, to provide funds for the acquisition, construction, equipping, improving, restoration, and furnishing of facilities to replace, repair, reconstruct, reequip, restore, and refurnish facilities damaged, destroyed, or lost due to severe weather, including, without limitation, windstorms, hail storms, flooding, tornadic winds, rainstorms and the like which occurred during the months of April or May, 2003.**

**5. Notwithstanding the provisions of subsection 1 of section 115.125, the officer or agency calling an election on the first Tuesday after the first Monday of August, 2003 shall notify the election authorities responsible for conducting the election not later than 5:00 p.m. on the sixth Tuesday prior to the election. For purposes of any such election, all references in section 115.125 to the tenth Tuesday prior to such election shall be deemed to refer to the sixth Tuesday prior to such election.**

**115.124. NONPARTISAN ELECTION IN POLITICAL SUBDIVISION OR SPECIAL DISTRICT, NO ELECTION REQUIRED IF NUMBER OF CANDIDATES FILING IS SAME AS NUMBER OF POSITIONS TO BE FILLED — EXCEPTIONS — RANDOM DRAWING FILING PROCEDURE FOLLOWED WHEN ELECTION IS REQUIRED.** — 1. Notwithstanding any other law to the contrary, in a nonpartisan election in any political subdivision or special district except for municipal[,] and board of trustees of community college districts [and school board] elections, if the notice provided for in subsection 5 of section 115.127 has been published in at least one newspaper of general circulation in the district, and if the number of candidates who have filed for a particular office is equal to the number of positions in that office to be filled by the election, no election shall be held for such office, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected. Notwithstanding any other provision of law to the contrary, if at any election the number of

candidates filing for a particular office exceeds the number of positions to be filled at such election, the election authority shall hold the election as scheduled, even if a sufficient number of candidates withdraw from such contest for that office so that the number of candidates remaining after the filing deadline is equal to the number of positions to be filled.

2. The election authority or political subdivision responsible for the oversight of the filing of candidates in any nonpartisan election in any political subdivision or special district shall clearly designate where candidates shall form a line to effectuate such filings and determine the order of such filings; except that, in the case of candidates who file a declaration of candidacy with the election authority or political subdivision prior to 5:00 p.m. on the first day for filing, the election authority or political subdivision may determine by random drawing the order in which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to this subsection, it shall be conducted so that each candidate may draw a number at random at the time of filing. If such drawing is conducted, the election authority or political subdivision shall record the number drawn with the candidate's declaration of candidacy. If such drawing is conducted, the names of candidates filing on the first day of filing for each office on each ballot shall be listed in ascending order of the numbers so drawn.

**162.261. SEVEN-DIRECTOR DISTRICT, BOARD OF, TERMS — VACANCIES — PROHIBITION ON HIRING SPOUSE OF BOARD MEMBER, WHEN. — 1.** The government and control of a seven-director school district, other than an urban district, is vested in a board of education of seven members, who hold their office for three years, except as provided in section 162.241, and until their successors are duly elected and qualified. Any vacancy occurring in the board shall be filled by the remaining members of the board; except that if there are more than two vacancies at any one time, the county commission upon receiving written notice of the vacancies shall fill the vacancies by appointment. The person appointed shall hold office until the next municipal election, when a director shall be elected for the unexpired term.

**2. No seven-director, urban, or metropolitan school district board of education shall hire a spouse of any member of such board for a vacant or newly created position unless the position has been advertised pursuant to board policy and the superintendent of schools submits a written recommendation for the employment of the spouse to the board of education. The names of all applicants as well as the name of the applicant hired for the position are to be included in the board minutes.**

**162.431. BOUNDARY CHANGE — PROCEDURE — ARBITRATION — COMPENSATION OF ARBITRATORS — RESUBMISSION OF CHANGES RESTRICTED. — 1.** When it is necessary to change the boundary lines between seven-director school districts, in each district affected, ten percent of the voters by number of those voting for school board members in the last annual school election in each district, may petition the district boards of education in the districts affected, regardless of county lines, for a change in boundaries. The question shall be submitted at the next **general** municipal election.

2. The voters shall decide the question by a majority vote of those who vote upon the question. If assent to the change is given by each of the various districts voting, each voting separately, the boundaries are changed from that date.

3. If one of the districts votes against the change and the other votes for the change, the matter may be appealed to the state board of education, in writing, within fifteen days of the submission of the question by either one of the districts affected, or in the above event by a majority of the signers of the petition requesting a vote on the proposal. At the first meeting of the state board following the appeal, a board of arbitration composed of three members, none of whom shall be a resident of any district affected, shall be appointed. **In determining whether it is necessary to change the boundary line between seven-director districts, the board of arbitration shall base its decision upon the following:**

**(1) The presence of school aged children in the affected area;**

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(2) The presence of actual educational harm to school-aged children, either due to a significant difference in the time involved in transporting students or educational deficiencies in the district which would have its boundary adversely affected; and

(3) The presence of an educational necessity, not of a commercial benefit to landowners or to the district benefitting for the proposed boundary adjustment.

4. Within twenty days after notification of appointment, the board of arbitration shall meet and consider the necessity for the proposed changes and shall decide whether the boundaries shall be changed as requested in the petition or be left unchanged, which decision shall be final. The decision by the board of arbitration shall be rendered not more than thirty days after the matter is referred to the board. The chairman of the board of arbitration shall transmit the decision to the secretary of each district affected who shall enter the same upon the records of his district and the boundaries shall thereafter be in accordance with the decision of the board of arbitration. The members of the board of arbitration shall be allowed a fee of fifty dollars each, to be paid at the time the appeal is made by the district taking the appeal or by the petitioners should they institute the appeal.

5. If the board of arbitration decides that the boundaries shall be left unchanged, no new petition for the same, or substantially the same, boundary change between the same districts shall be filed until after the expiration of two years from the date of the municipal election at which the question was submitted to the voters of the districts.

**162.601. ELECTION OF BOARD MEMBERS, TERMS — MEMBERS APPOINTED DUE TO VACANCIES, TERMS — QUALIFICATIONS.** — 1. Elected members of the board in office on August 28, 1998, shall hold office for the length of term for which they were elected, and any members appointed pursuant to section 162.611 to fill vacancies left by elected members in office on August 28, 1998, shall serve for the remainder of the term to which the replaced member was elected.

2. No board members shall be elected at the first municipal election in an odd-numbered year next following August 28, 1998.

3. Three board members shall be elected at the second municipal election in an odd-numbered year next following August 28, 1998, to serve four-year terms.

4. Four board members shall be elected at the third municipal election in an odd-numbered year next following August 28, 1998, and two of such members shall be elected to four-year terms and two of such members shall be elected to three-year terms.

5. Beginning with the fourth municipal election in an odd-numbered year next following August 28, 1998, and at each succeeding municipal election in a year during which board member terms expire, there shall be elected members of the board of education, who shall assume the duties of their office at the first regular meeting of the board of education after their election, and who shall hold office for four years, and until their successors are elected and qualified.

6. Members of the board of directors shall be elected to represent seven subdistricts. The subdistricts shall be established by the state board of education to be compact, contiguous and as nearly equal in population as practicable. The subdistricts shall be revised by the state board of education after each decennial census and at any other time the state board determines that the district's demographics have changed sufficiently to warrant redistricting.

7. A member shall reside in and be elected in the subdistrict which the member is elected to represent. Subdistrict 1 shall be comprised of wards 1, 2, 22 and 27. Subdistrict 2 shall be comprised of wards 3, 4, 5 and 21. Subdistrict 3 shall be comprised of wards 18, 19, 20 and 26. Subdistrict 4 shall be comprised of wards 6, 7, 17 and 28. Subdistrict 5 shall be comprised of wards 9, 10, 11 and 12. Subdistrict 6 shall be comprised of wards 13, 14, 16 and 25. Subdistrict 7 shall be comprised of wards 8, 15, 23 and 24.

[8. No one may run for school board who is employed by the school district or who is related to an employee of the school district within the second degree of affinity or consanguinity.]

**162.1180. INSTRUCTIONAL SERVICES AND PROGRAMS, EDUCATIONAL SERVICE AGENCY MAY BE DESIGNATED, ORGANIZATION, MEETINGS. — 1. Any public school district or districts may designate an educational service agency, as defined in 20 U.S.C. Section 7801, for the purpose of developing, managing, and providing instructional services or programs to the participating school district or districts.**

**2. The educational service agency shall be designated by contract which is to be authorized by the board of education of the participating district and shall operate pursuant to standards adopted by the state board of education.**

**3. An educational service agency shall be organized as a nonprofit corporation as provided pursuant to chapter 355, RSMo, with the method of selection of officers to be governed by section 355.326, RSMo.**

**4. An educational service agency shall be considered a political subdivision of the state as defined in section 105.450, RSMo, with the governing board and employees subject to the conflict of interest prohibitions provided in chapter 105, RSMo.**

**5. All meetings of the governing board of the educational service agency shall be subject to the provisions of sections 610.010 to 610.035, RSMo.**

**6. Nothing in this section shall relieve a participating school district from the responsibility of providing the instructional service or program which it has contracted for through an educational service agency.**

**165.011. TUITION — ACCOUNTING OF SCHOOL MONEYS, FUNDS — USES — TRANSFERS TO AND FROM INCIDENTAL FUND, WHEN — EFFECT OF UNLAWFUL TRANSFERS — TRANSFERS TO DEBT SERVICE FUND, WHEN — CERTAIN ONE-TIME TRANSFERS PERMITTED IN CERTAIN COUNTIES AND DISTRICTS. — 1. The following funds are created for the accounting of all school moneys: teachers' fund, incidental fund, free textbook fund, capital projects fund and debt service fund. The treasurer of the school district shall open an account for each fund specified in this section, and all moneys received from the county school fund and all moneys derived from taxation for teachers' wages shall be placed to the credit of the teachers' fund. All tuition fees, state moneys received under sections 162.975, RSMo, and 163.031, RSMo, and all other moneys received from the state except as herein provided shall be placed to the credit of the teachers' and incidental funds at the discretion of the district board of education. The portion of state aid received by the district pursuant to section 163.031, RSMo, based upon the portion of the tax rate in the debt service or capital projects fund, respectively, which is included in the operating levy for school purposes pursuant to section 163.011, RSMo, shall be placed to the credit of the debt service fund or capital projects fund, respectively. Money received from other districts for transportation and money derived from taxation for incidental expenses shall be credited to the incidental fund. Money apportioned for free textbooks shall be credited to the free textbook fund. All money derived from taxation or received from any other source for the erection of buildings or additions thereto and the remodeling or reconstruction of buildings and the furnishing thereof, for the payment of lease-purchase obligations, for the purchase of real estate, or from sale of real estate, schoolhouses or other buildings of any kind, or school furniture, from insurance, from sale of bonds other than refunding bonds shall be placed to the credit of the capital projects fund. All moneys derived from the sale or lease of sites, buildings, facilities, furnishings and equipment by a school district as authorized under section 177.088, RSMo, shall be credited to the capital projects fund. Money derived from taxation for the retirement of bonds and the payment of interest thereon shall be credited to the debt service fund which shall be maintained as a separate bank account. Receipts from delinquent taxes shall be allocated to the several funds on the same basis as receipts from**

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current taxes, except that where the previous years' obligations of the district would be affected by such distribution, the delinquent taxes shall be distributed according to the tax levies made for the years in which the obligations were incurred. All refunds received shall be placed to the credit of the fund from which the original expenditures were made. Money donated to the school districts shall be placed to the credit of the fund where it can be expended to meet the purpose for which it was donated and accepted. Money received from any other source whatsoever shall be placed to the credit of the fund or funds designated by the board.

2. [(1)] The school board may expend from the incidental fund the sum that is necessary for the ordinary repairs of school property and an amount not to exceed the sum of expenditures for classroom instructional capital outlay, as defined by the department of elementary and secondary education by rule, in state-approved area vocational-technical schools and the greater of twenty-five percent of the guaranteed tax base for the preceding year or two and one-fourth percent of the district's entitlement for the preceding school year as established pursuant to line 1 of subsection 6 of section 163.031, RSMo, as of June thirtieth of the preceding school year for classroom instructional capital outlay, including but not limited to payments authorized pursuant to section 177.088, RSMo. Any and all payments authorized under section 177.088, RSMo, except as otherwise provided in this subsection, for the purchase or lease of sites, buildings, facilities, furnishings and equipment and all other expenditures for capital outlay shall be made from the capital projects fund. If a balance remains in the free textbook fund after books are furnished to pupils as provided in section 170.051, RSMo, it shall be transferred to the teachers' fund. The board may transfer the portion of the balance remaining in the incidental fund to the teachers' fund that is necessary for the total payment of all contracted obligations to teachers. If a balance remains in the debt service fund, after the total outstanding indebtedness for which the fund was levied is paid, the board may transfer the unexpended balance to the capital projects fund. If a balance remains in the bond proceeds after completion of the project for which the bonds were issued, the balance shall be transferred from the incidental or capital projects fund to the debt service fund. After making all placements of interest otherwise provided by law, a school district may transfer from the capital projects fund to the incidental fund the interest earned from undesignated balances in the capital projects fund. All other sections of the law notwithstanding, a school district may transfer from the incidental fund to the capital projects fund an amount equal to the capital expenditures for school safety and security purposes. A school district may borrow from one of the following funds: teachers' fund, incidental fund or capital projects fund, as necessary to meet obligations in another of those funds; provided that the full amount is repaid to the lending fund within the same fiscal year.

[(2) No school district shall make any expenditure for any lease purchase obligation authorized pursuant to section 177.088, RSMo, and incurred on or after January 1, 1997, from the district's capital projects fund unless the district levies, in the current year, a tax rate in the capital projects fund which is sufficient to generate revenues equal to or greater than the amount of such expenditure and collects such revenues and credits such revenues to the capital projects fund. For the purposes of subsection 8 of this section, any expenditure made in violation of this subdivision shall be considered a transfer of funds performed in violation of this section and that amount shall be deducted from the school district's state aid calculated pursuant to section 163.031, RSMo, in the school year following the year such expenditure is made.]

3. Tuition shall be paid from either the teachers' or incidental funds.

4. Other provisions of law to the contrary notwithstanding, the school board of a school district that satisfies the criteria specified in subsection 5 of this section may transfer from the incidental fund to the capital projects fund the sum of:

(1) The amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year; plus

(2) Any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational-technical schools; plus

(3) An amount not to exceed the greater of:

(a) The guaranteed tax base for the preceding year; or

(b) Nine percent of the district's entitlement for the preceding school year as established pursuant to line 1 of subsection 6 of section 163.031, RSMo, as of June thirtieth of the preceding school year, **less any amount expended from the incidental fund for classroom instructional capital outlay pursuant to subsection 2 of this section**; provided that transfer amounts authorized pursuant to this subdivision may only be transferred by a resolution of the school board approved by a majority of the board members in office when the resolution is voted upon and identifying the specific capital projects to be funded **directly by the district** by the transferred funds and an estimated expenditure date; and provided that if a district did not maintain compliance with the requirements of section 165.016 the preceding year without recourse to a waiver for that year or a base year adjustment received that year or a fund balance exclusion unless the fund balance exclusion had also been used the second preceding year, the transfer amount pursuant to this subdivision may be transferred only to the extent required to meet current year obligations of the capital projects fund.

5. In order to transfer funds pursuant to subsection 4 of this section, a school district shall:

(1) Meet the minimum criteria for state aid and for increases in state aid for the current year established pursuant to section 163.021, RSMo;

(2) Not incur a total debt, including short-term debt and bonded indebtedness in excess of fifteen percent of the guaranteed tax base for the preceding payment year multiplied by the number of resident and nonresident eligible pupils educated in the district in the preceding year;

(3) Set tax rates pursuant to section 164.011, RSMo;

(4) First apply any voluntary rollbacks or reductions to the total tax rate levied to the teachers' and incidental funds;

(5) In order to be eligible to transfer funds for paying lease purchase obligations:

(a) Incur such obligations, except for obligations for lease purchase for school buses, prior to January 1, 1997;

(b) Limit the term of such obligations to no more than twenty years;

(c) Limit annual installment payments on such obligations to an amount no greater than the amount of the payment for the first full year of the obligation, including all payments of principal and interest, except that the amount of the final payment shall be limited to an amount no greater than two times the amount of such first-year payment;

(d) Limit such payments to leasing nonathletic, classroom, instructional facilities as defined by the state board of education through rule; and

(e) Not offer instruction at a higher grade level than was offered by the district on July 12, 1994.

6. A school district shall be eligible to transfer funds pursuant to subsection 7 of this section if:

(1) Prior to August 28, 1993:

(a) The school district incurred an obligation for the purpose of funding payments under a lease purchase contract authorized under section 177.088, RSMo;

(b) The school district notified the appropriate local election official to place an issue before the voters of the district for the purpose of funding payments under a lease purchase contract authorized under section 177.088, RSMo; or

(c) An issue for funding payments under a lease purchase contract authorized under section 177.088, RSMo, was approved by the voters of the district; or

(2) Prior to November 1, 1993, a school board adopted a resolution authorizing an action necessary to comply with subsection 9 of section 177.088, RSMo. Any increase in the operating levy of a district above the 1993 tax rate resulting from passage of an issue described in paragraph (b) of subdivision (1) of this subsection shall be considered as part of the 1993 tax rate for the purposes of subsection 1 of section 164.011, RSMo.

7. Prior to transferring funds pursuant to subsection 4 of this section, a school district may transfer, pursuant to this subsection, from the incidental fund to the capital projects fund an amount as necessary to satisfy an obligation of the capital projects fund that satisfies at least one of the conditions specified in subsection 6 of this section, but not to exceed its payments authorized under section 177.088, RSMo, for the purchase or lease of sites, buildings, facilities, furnishings, equipment, and all other expenditures for capital outlay, plus the amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year plus any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational-technical schools. A school district [with a levy for school purposes no greater than the minimum levy specified in section 163.021, RSMo, and an obligation in the capital projects fund that satisfies at least one of the conditions specified in subsection 6 of this section] **that is in compliance with section 165.016 during the second preceding year or has paid all penalties for the second preceding year**, may transfer from the incidental fund to the capital projects fund the amount necessary to meet the obligation plus the transfers pursuant to subsection 4 of this section.

8. Beginning in the 1995-96 school year, the department of elementary and secondary education shall deduct from a school district's state aid calculated pursuant to section 163.031, RSMo, an amount equal to the amount of any transfer of funds from the incidental fund to the capital projects fund performed during the previous year in violation of this section; except that the state aid shall be deducted in equal amounts over the five school years following the school year of an unlawful transfer provided that:

(1) The district shall provide written notice to the state board of education, no later than June first of the first school year following the school year of the unlawful transfer, stating the district's intention to comply with the provisions of subdivisions (1) to (4) of this subsection and have state aid deducted for that unlawful transfer over a five-year period;

(2) On or before September first of the second school year following the school year of the unlawful transfer, the district shall approve an increase to the district's operating levy for school purposes to the greater of: two dollars and seventy-five cents per one hundred dollars assessed valuation or the levy which produces an increase in total state and local revenues, as determined by the department, in comparison to the first school year following the school year of the unlawful transfer which is equal to or greater than the amount of state aid to be deducted pursuant to this subsection each school year for such unlawful transfer, provided that increases required pursuant to this subdivision for subsequent unlawful transfers shall be made in comparison to the latter tax rate described in this subdivision;

(3) During each school year after the school year in which the operating levy is increased pursuant to subdivision (2) of this subsection and in which state aid is deducted pursuant to subdivisions (1) to (4) of this subsection, the district shall maintain an operating levy for school purposes which produces total state and local revenues for the district which are no less than the total state and local revenues produced by the levy required pursuant to subdivision (2) of this subsection;

(4) During each school year state aid is deducted pursuant to subdivisions (1) to (4) of this subsection except for the 1998-99 school year, the district shall maintain compliance with the requirements of section 165.016 without any recourse to waivers or base-year adjustments and without the option to demonstrate compliance based upon the district's fund balances; and

(5) If, in any school year state aid is deducted pursuant to subdivisions (1) to (4) of this subsection, the district fails to comply with any requirement of subdivisions (1) to (4) of this subsection, the full, remaining amount of state aid to be deducted pursuant to this subsection shall be deducted from the district's state aid payments by the department during such school year.

9. On or before June 30, 1999, a school district may transfer to the capital projects fund from the balances of the teachers' and incidental funds any amount, but only to the extent that the amount transferred is equal to or less than the amount that the teachers' and incidental funds'

unrestricted balances on June 30, 1995, exceeded eight percent of expenditures from the teachers' and incidental funds for the year ending June 30, 1995.

10. (1) Other provisions of law to the contrary notwithstanding, a school district which satisfies all conditions specified in subdivision (2) of this subsection may make the transfer allowed in subdivision (3) of this subsection.

(2) To make the transfer allowed under subdivision (3) of this subsection, a school district shall:

(a) Have a membership count for school year 1997-98 which is at least sixteen percent greater than the district's membership count for the 1991-92 school year; and

(b) Have passed a full waiver of Proposition C tax rate rollback pursuant to section 164.013, RSMo, or approved an increase to the district's tax rate ceiling on or after June 1, 1994; and

(c) Be in compliance or have paid all penalties required pursuant to section 165.016 for the 1994-95, 1995-96 and 1996-97 school years without waiver or adjustment of the base school year certificated salary percentage; and

(d) After all transfers, have a remaining balance on June 30, 1998, in the combined teachers' and incidental funds which is no less than ten percent of the combined expenditures from those funds for the 1997-98 school year.

(3) A district which satisfies all of the criteria specified in paragraphs (a) to (d) of subdivision (2) of this subsection may, on or before June 30, 1998, make a one-time combined transfer from the teachers' and incidental funds to the capital projects fund of an amount no greater than the sum of the following amounts:

(a) The product of the district's equalized assessed valuation for 1994 times the difference of the district's equalized operating levy for school purposes for 1994 minus the district's equalized operating levy for school purposes for 1993;

(b) The product of the district's equalized assessed valuation for 1995 times the difference of the district's equalized operating levy for school purposes for 1995 minus the district's equalized operating levy for school purposes for 1993;

(c) The product of the district's equalized assessed valuation for 1996 times the difference of the district's equalized operating levy for school purposes for 1996 minus the district's equalized operating levy for school purposes for 1993;

(d) The product of the district's equalized assessed valuation for 1997 times the difference of the district's equalized operating levy for school purposes for 1997 minus the district's equalized operating levy for school purposes for 1993; provided that the remaining balance in the incidental fund shall be no less than twelve percent of the total expenditures during that fiscal year from the incidental fund.

(4) A district which makes a transfer pursuant to subdivision (3) of this subsection shall be subject to compliance with the requirements of section 165.016 for fiscal years 1999, 2000 and 2001, without the option to request a waiver or an adjustment of the base school year certificated salary percentage.

(5) Other provisions of section 165.016 to the contrary notwithstanding, the transfer of an amount of funds from either the teachers' or incidental fund to the capital projects fund pursuant to subdivision (3) of this subsection shall not be considered an expenditure from the teachers' or incidental fund for the purpose of determining compliance with the provisions of subsections 1 and 2 of section 165.016.

11. In addition to other transfers authorized under subsections 1 to 9 of this section, a district may transfer from the teachers' and incidental funds to the capital projects fund the amount necessary to repay costs of one or more guaranteed energy savings performance contracts to renovate buildings in the school district; provided that the contract is only for energy conservation measures, as defined in section 640.651, RSMo, and provided that the contract specifies that no payment or total of payments shall be required from the school district until at

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least an equal total amount of energy and energy-related operating savings and payments from the vendor pursuant to the contract have been realized by the school district.

12. In addition to other transfers authorized pursuant to subsections 1 to 9 of this section, any school district that has undergone at least a twenty-percent increase in assessed valuation from the preceding year because of the construction of a power plant may make a one-time transfer on the basis of each such increase, to the capital projects fund from the balances of the teachers' and incidental funds' unrestricted balances in an amount equal to twice the amount of such transfer otherwise permitted pursuant to this section for the year in which such one-time transfer is made; provided that such transfer shall be made prior to the end of the second fiscal year following the fiscal year in which the increase in assessed valuation is effective. Such one-time transfer may be made without regard to whether the transferred funds are used for current expenditures. No transfer shall be made pursuant to this subsection after June 30, 2003.

**13. A school district may transfer unrestricted funds from the capital projects fund to the incidental fund in any year in which that year's June thirtieth combined incidental and teachers funds unrestricted balance compared to the combined incidental and teachers funds expenditures would be less than ten percent without such transfer.**

14. School districts that have issued qualified zone academy bonds pursuant to 26 U.S.C. Section 1397E, also known as the Taxpayers Relief Act of 1997, prior to December 31, 2002, and have placed bond proceeds into an interest-bearing account in the capital projects fund without meeting the requirement to set a levy in the debt service fund as required in section 164.161, RSMo, shall be permitted to make transfers to the debt service fund in an amount up to but not exceeding the original amount of bond proceeds invested, under the following conditions:

(1) The district has an unrestricted balance in the capital projects fund equivalent to the original amount of bond proceeds invested that may be transferred to the debt service fund; or

(2) If the district does not have sufficient unrestricted funds in the capital projects fund pursuant to subdivision (1) of this subsection, then additional funds may be transferred from the incidental fund to the debt service fund up to the amount needed to equal the original amount of bond proceeds invested, but such transfer in combination with other district expenditures may not reduce the ending fund balance in the combined teachers' and incidental funds below ten percent balance of the expenditures in those funds;

(3) If the transfers allowed pursuant to subdivisions (1) and (2) of this subsection are not sufficient to equal the original amount of bond proceeds invested, the district shall provide an annual tax in the debt service fund sufficient to generate the amount required within five years from the effective date of this section;

(4) The district shall report the following information as prescribed by the department of elementary and secondary education on the annual secretary of the board report required to be submitted pursuant to section 162.821, RSMo, for the fiscal year ending June 30, 2003:

(a) Documentation of the establishment of the local academy/business partnership and the ten percent business match for qualified zone academy bonds pursuant to 26 U.S.C. Section 1397E;

(b) A detailed schedule of completed and planned expenditures for the projects as specified in the department-approved qualified zone academy bond application, identified by building with certification by the district that a minimum of ninety-five percent of the voter-approved qualified zone academy bonds will be expended within ten years from the date of the sale of bonds; and

(c) The business name, office location, state of incorporation, and names of any representative of the bonding institution and bond counsel, if applicable, who handled the qualified zone academy bond issuance, including all individuals who signed

correspondence to or made presentations to the school district concerning such bonds; and providing the amount of fees or costs of issuance paid to the bonding institution and bond counsel stated as a whole dollar amount and as a percentage of the qualified zone academy bond;

(5) Any transfer made pursuant to subdivision (1) or (2) of this subsection shall be reported on the district's fiscal year 2003 financial records;

(6) If the district fails to provide the information in the manner prescribed by the department on the annual secretary of the board report by December 31, 2003, the amount of unrestricted fund balance transferred into the debt service fund from the capital projects fund or incidental fund shall be returned to the original fund from which the transfer was made and an annual tax established in the debt service fund sufficient to pay the principal and interest of the bonds as they fall due.

15. On or before August 31, 2005, a school district located in a county of the third classification without a township form of government and with more than thirty-seven thousand two hundred but less than thirty-seven thousand three hundred inhabitants and in a county of the third classification without a township form of government and with more than nine thousand four hundred fifty but less than nine thousand five hundred fifty inhabitants and a school district with an assessed valuation of no less than twenty-one million seven hundred fifty thousand dollars and no more than twenty-two million dollars located in a county of the third classification without a township form of government and with more than forty thousand eight hundred but less than forty thousand nine hundred inhabitants shall be permitted to make a one-time additional transfer from the incidental fund to the capital projects fund in an appropriate amount for the specific purpose of completing a sewer project in order to comply with regulations established by the department of natural resources.

16. On or before August 31, 2005, a school district with an assessed valuation of at least thirty-one million dollars and less than thirty-two million dollars located in a county of the third classification without a township form of government and with more than thirty-one thousand but less than thirty-one thousand one hundred inhabitants shall be permitted to make a one-time additional transfer from the incidental fund to the capital projects fund in an appropriate amount for the specific purpose of improving the library media and technology center that serves the district's high school and middle school.

17. In addition to other transfers authorized pursuant to this section, an eligible school district may transfer from the incidental fund to the capital projects fund to make expenditures which decrease the total interest cost of payments for a lease-purchase obligation authorized by section 177.088, RSMo. An eligible school district shall:

- (1) Have never made a previous transfer pursuant to this subsection;
- (2) Have ending cash reserves during the year of the transfer in incidental and teachers' funds combined equal to or greater than fifteen percent of expenditures;
- (3) Decrease the interest cost of all remaining lease-purchase payments by at least the cost of refinancing plus ten percent;
- (4) Make payments equal to or greater than the amount of the transfer for a lease-purchase obligation meeting an eligibility requirement of subsections 5 or 6 of this section;
- (5) Levy in the incidental and teachers' funds a levy greater than two dollars and seventy-five cents during the year of the transfer and each of the two previous years;
- (6) Demonstrate compliance with the requirements of section 165.016 or have paid all outstanding penalties to eligible staff for five consecutive years prior to the year of the transfer; and
- (7) Have an average salary for teachers in the district which equals or exceeds for three consecutive years prior to the year of the transfer at least one of the following:
  - (a) The average salary for teachers statewide; or
  - (b) The average salary for teachers in its senatorial district.

**165.016. AMOUNT TO BE SPENT ON TUITION, RETIREMENT AND COMPENSATION — BASE SCHOOL YEAR CERTIFICATED SALARY PERCENTAGE — EXEMPTION AND REVISION — PENALTY — EXCEPTIONS.** — 1. A school district shall expend as a percentage of current operating cost, for tuition, teacher retirement and compensation of certificated staff, a percentage that is for the 1994-95 and 1995-96 school years, no less than three percentage points less than the base school year certificated salary percentage and for the 1996-97 school year, no less than two percentage points less than the base school year certificated salary percentage. A school district may exclude transportation and school safety and security expenditures from the current operating cost calculation of the base year and the year or years for which the compliance percentage is calculated. The base school year certificated salary percentage shall be the two-year average percentage of the 1991-92 and 1992-93 school years except as otherwise established by the state board under subsection 4 of this section; except that, for any school district experiencing, over a period of three consecutive years, an average yearly increase in average daily attendance of at least three percent, the base school year certificated salary percentage may be the two-year average percentage of the last two years of such period of three consecutive years, at the discretion of the school district.

2. Beginning with the 1997-98 school year, a school district shall:

(1) Expend, as a percentage of current operating cost, as determined in subsection 1 of this section, for tuition, teacher retirement and compensation of certificated staff, a percentage that is no less than two percentage points less than the base school year certificated salary percentage; or

(2) For any year in which no payment of a penalty is required for the district under subsection 6 of this section, have an unrestricted fund balance in the combined incidental and teachers' funds on June thirtieth which is equal to or less than ten percent of the combined expenditures for the year from those funds.

3. Beginning with the 1999-2000 school year:

(1) As used in this subsection, "fiscal instructional ratio of efficiency" or "FIRE" means the quotient of the sum of the district's current operating costs, as defined in section 163.011, RSMo, for all kindergarten through grade twelve direct instructional and direct pupil support service functions plus the costs of improvement of instruction and the cost of purchased services and supplies for operation of the facilities housing those programs, and excluding student activities, divided by the sum of the district's current operating cost for kindergarten through grade twelve, plus all tuition revenue received from other districts minus all noncapital transportation and school safety and security costs;

(2) A school district shall show compliance with this section in school year 1998-99 and thereafter by the method described in subsections 1 and 2 of this section, or by maintaining or increasing its fiscal instructional ratio of efficiency compared to its FIRE for the 1997-98 base year.

4. (1) The state board of education may exempt a school district from the requirements of this section upon receiving a request for an exemption by a school district. The request shall show the reason or reasons for the noncompliance, and the exemption shall apply for only one school year. Requests for exemptions under this subdivision may be resubmitted in succeeding years;

(2) A school district may request of the state board a one-time, permanent revision of the base school year certificated salary percentage. The request shall show the reason or reasons for the revision.

5. Any school district requesting an exemption or revision under subsection 4 of this section must notify the certified staff of the district in writing of the district's intent. Prior to granting an exemption or revision, the state board shall consider comments from certified staff of the district. The state board decision shall be final.

6. Any school district which is determined by the department to be in violation of the requirements of subsection 1 or 2 of this section, or both, shall compensate the building-level

administrative staff and nonadministrative certificated staff during the year following the notice of violation by an additional amount which is equal to one hundred ten percent of the amount necessary to bring the district into compliance with this section for the year of violation. In any year in which a penalty is paid, the district shall pay the penalty specified in this subsection in addition to the amount required under this section for the current school year.

7. Any additional transfers from the teachers' or incidental fund to the capital projects fund beyond the transfers authorized by state law and state board policy in effect on January 1, 1996, shall be considered expenditures from the teachers' or incidental fund for the purpose of determining compliance with the provisions of subsections 1, 2 and 3 of this section.

8. The provisions of this section shall not apply to any district receiving state aid pursuant to subsection 6 of section 163.031, RSMo, based on its 1992-93 payment amount per eligible pupil, which is less than fifty percent of the statewide average payment amount per eligible pupil paid during the previous year.

**9. The provisions of subsections 1 to 8 of this section shall not apply to any district that has unrestricted fund balances in the combined incidental and teacher funds on June thirtieth of the preceding year which are equal to or less than seventeen percent of the combined expenditure for the preceding year from these funds in any year in which state funds distributed pursuant to section 163.031, RSMo, lines 1 to 10 plus line 14 are no more than ninety-six percent of such state funds distributed in fiscal year 2002.**

**10. The provisions of subsections 1 to 8 of this section shall not apply to any district which meets the following criteria:**

**(1) With ten percent or more of its assessed valuation that is owned by one person or corporation as commercial or personal property who is delinquent in a property tax payment;**

**(2) With unrestricted fund balances in the combined incidental and teacher funds on June thirtieth of the preceding year which are equal to or less than one half of the local property tax revenue for the previous year; and**

**(3) In any year in which state funds distributed pursuant to section 163.031, RSMo, lines 1 to 10 plus line 14 are no more than ninety-six percent of such state funds distributed in fiscal year 2002.**

**171.031. BOARD TO PREPARE CALENDAR — MINIMUM TERM — HOUR LIMITATION. —**

1. Each school board shall prepare annually a calendar for the school term, specifying the opening date and providing a minimum term of at least one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance. [The opening date shall not be earlier than the first day of September, except:

(1) If the first day of September falls on Labor Day or a Saturday or Sunday, the school board in any school district may move the starting day for that term to a subsequent school day;

(2) In school districts in which schools are in session for twelve months of each calendar year; and

(3) In school districts in which the school board determines students are needed for agricultural production purposes.]

2. No school day shall be longer than seven hours except for vocational schools which may adopt an eight-hour day in a metropolitan school district and a school district in a first class county adjacent to a city not within a county.

**177.086. CONSTRUCTION OF FACILITIES, SEALED BIDS AND PUBLIC ADVERTISEMENT REQUIRED, WHEN. —** 1. Any school district authorizing the construction of facilities which may exceed an expenditure of [twelve thousand five hundred] **fifteen thousand** dollars shall publicly advertise, **once a week** for two [successive] **consecutive** weeks, in a newspaper of general [publication] **circulation, qualified pursuant to chapter 493, RSMo**, located within the [county] **city** in which [said] **the** school district is located, or if there be no such newspaper, in

a **qualified** newspaper of general [publication] **circulation in the county, or if there be no such newspaper, in a qualified newspaper of general circulation** in an adjoining county, and **may advertise in business, trade, or minority newspapers**, for bids on said construction.

2. No bids shall be entertained by the school district which are not made in accordance with the specifications furnished by [them] **the district** and all contracts shall be let to the lowest responsible bidder complying with the terms of the letting, provided that the [said school] district shall have the right to reject any and all bids.

3. All bids must be submitted sealed and in writing, to be opened publicly at time and place of the district's choosing.

**324.245. AUTHORITY OF BOARD — RULEMAKING — MASSAGE THERAPY FUND. — 1.** The board is authorized to promulgate rules and regulations regarding:

(1) The content of license applications and the procedures for filing an application for an initial or renewal license in this state;

(2) The content, conduct and administration of the licensing examination required by section 324.265;

(3) Educational requirements for licensure, **including, but not limited to, provisions that allow clock hours of supervised instruction at a vocational technical school;**

(4) The standards and methods to be used in assessing competency as a massage therapist;

(5) All applicable fees, set at an amount which shall not substantially exceed the cost and expense of administering sections 324.240 to 324.275; and

(6) Establishment of procedures for granting reciprocity with other states, including states which do not have massage therapy licensing laws or states whose licensing laws are not substantially the same as those of this state.

2. All funds received by the board pursuant to the provisions of sections 324.240 to 324.275 shall be collected by the director who shall transmit the funds to the department of revenue for deposit in the state treasury to the credit of the "Massage Therapy Fund" which is hereby created. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the fund for the preceding fiscal year.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated to administer and enforce sections 324.240 to 324.275, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this section shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.

**393.310. CERTAIN GAS CORPORATIONS TO FILE SET OF EXPERIMENTAL TARIFFS WITH PSC, MINIMUM REQUIREMENTS — EXPIRATION DATE. — 1.** This section shall only apply to gas corporations as defined in section 386.020, RSMo. This section shall not affect any existing laws and shall only apply to the program established pursuant to this section.

2. As used in this section, the following terms mean:

(1) "Aggregate", the combination of natural gas supply and transportation services, including storage, requirements of eligible school entities served through a Missouri gas corporation's delivery system;

(2) "Commission", the Missouri public service commission; and

(3) "Eligible school entity" shall include any seven-director, urban or metropolitan school district as defined pursuant to section 160.011, RSMo, and shall also include, one year after July 11, 2002, and thereafter, any school for elementary or secondary education situated in this state, whether a charter, private, or parochial school or school district.

3. Each Missouri gas corporation shall file with the commission, by August 1, 2002, a set of experimental tariffs applicable the first year to public school districts and applicable to all school districts, whether charter, private, public, or parochial, thereafter.

4. The tariffs required pursuant to subsection 3 of this section shall, at a minimum:

(1) Provide for the aggregate purchasing of natural gas supplies and pipeline transportation services on behalf of eligible school entities in accordance with aggregate purchasing contracts negotiated by and through a not-for-profit school association;

(2) Provide for the resale of such natural gas supplies, including related transportation service costs, to the eligible school entities at the gas corporation's cost of purchasing of such gas supplies and transportation, plus all applicable distribution costs, plus an aggregation and balancing fee to be determined by the commission, not to exceed four-tenths of one cent per therm delivered during the first year; and

(3) Not require telemetry or special metering, except for individual school meters over one hundred thousand therms annually.

5. The commission may suspend the tariff as required pursuant to subsection 3 of this section for a period ending no later than November 1, 2002, and shall approve such tariffs upon finding that implementation of the aggregation program set forth in such tariffs will not have any negative financial impact on the gas corporation, its other customers or local taxing authorities, and that the aggregation charge is sufficient to generate revenue at least equal to all incremental costs caused by the experimental aggregation program. **Except as may be mutually agreed by the gas corporation and eligible school entities and approved by the commission, such tariffs shall not require eligible school entities to be responsible for pipeline capacity charges for longer than is required by the gas corporation's tariff for large industrial or commercial basic transportation customers.**

6. The commission **shall treat the gas corporation's pipeline capacity costs for associated eligible school entities in the same manner as for large industrial or commercial basic transportation customers, which shall not be considered a negative financial impact on the gas corporation, its other customers, or local taxing authorities, and the commission may adopt by order such other procedures not inconsistent with this section which the commission determines are reasonable or necessary to administer the experimental program.**

7. This section shall terminate June 30, 2005.

**SECTION 1. MENINGOCOCCAL DISEASE, ALL ON-CAMPUS STUDENTS PROVIDED INFORMATION ON — ELECTION TO RECEIVE VACCINATION — RECORDS TO BE MAINTAINED.**

**— 1. Beginning with the 2004-2005 school year and for each school year thereafter, every public institution of higher education in this state shall require all students who reside in on-campus housing to sign a written waiver stating that the institution of higher education has provided the student, or if the student is a minor, the student's parents or guardian, with detailed written information on the risks associated with meningococcal disease and the availability and effectiveness of the meningococcal vaccine.**

**2. Any student who elects to receive the meningococcal vaccine shall not be required to sign a waiver referenced in subsection 1 of this section and shall present a record of said vaccination to the institution of higher education.**

**3. Each public university or college in this state shall maintain records on the meningococcal vaccination status of every student residing in on-campus housing at the university or college, including any written waivers executed pursuant to subsection 1 of this section.**

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**4. Nothing in this section shall be construed as requiring any institution of higher education to provide or pay for vaccinations against meningococcal disease.**

**SECTION B. EMERGENCY CLAUSE.** — Because immediate action is necessary to adequately fund the public schools of this state, the repeal and reenactment of sections 115.121, 165.011, and 165.016 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and the repeal and reenactment of sections 115.121, 165.011, and 165.016 is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 115.121, 165.011, and 165.016 of this act shall be in full force and effect upon its passage and approval.

Approved June 23, 2003

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SB 697 [SB 697]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

**Designates a George Washington Carver Memorial Highway on a portion of Interstate 44 in Jasper and Newton Counties.**

AN ACT to amend chapter 227, RSMo, by adding thereto one new section relating to the George Washington Carver Memorial Highway.

**SECTION**

A. Enacting clause.

227.340. George Washington Carver Memorial Highway, portion of interstate highway 44 in Jasper and Newton counties designated as.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**SECTION A. ENACTING CLAUSE.** — Chapter 227, RSMo, is amended by adding thereto one new section, to be known as section 227.340, to read as follows:

**227.340. GEORGE WASHINGTON CARVER MEMORIAL HIGHWAY, PORTION OF INTERSTATE HIGHWAY 44 IN JASPER AND NEWTON COUNTIES DESIGNATED AS.** — The portion of interstate highway 44 contained in a county of the first classification with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants and a county of the second classification with more than fifty-two thousand six hundred but less than fifty-two thousand seven hundred inhabitants shall be designated as the "George Washington Carver Memorial Highway".

Approved July 11, 2003

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**HB 156** [HS HCS HB 156]

AN ACT to repeal section 188.039, RSMo, and to enact in lieu waiting period for certain medical procedures, with an effective date for a certain section.

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**HB 257** [SS SCS HS HCS HB 257]

AN ACT to repeal sections 143.121, 148.330, 340.216, 348.015, 348.430, 348.432, 430.030, 640.700, 640.703, 640.710, 640.715, 640.725, 640.730, 640.735, 640.740, 640.745, 640.747, 640.750, 640.755, 640.758, 644.016, and 644.051, RSMo, and to enact in lieu thereof forty new sections relating to agriculture, with penalty provisions.

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**HB 278** [HB 278]

AN ACT to authorize the conveyance of property along 321 Knaust Road to St. Charles County, Missouri.

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**HB 327** [CCS SS SCS HB 327]

AN ACT to repeal sections 137.298, 144.062, 191.831, 226.525, 226.535, 227.120, 238.207, 238.210, 238.215, 238.220, 238.222, 238.235, 238.236, 292.602, 301.010, 301.069, 302.225, 302.272, 302.302, 302.304, 302.309, 302.540, 302.700, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, 302.775, 304.013, 304.015, 304.035, 304.580, 307.125, 307.127, 307.177, 307.400, 389.610, 390.020, 577.023, 577.041, 577.049, 577.054, and 577.520, RSMo, and section 304.157 as enacted by senate bill no. 17, ninetieth general assembly, first regular session, and to enact in lieu thereof fifty-four new sections relating to transportation, with penalty provisions, an emergency clause for certain sections, and an effective date for certain sections.

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**HB 349** [SS HS HCS HB 349, 120, 136 & 328]

AN ACT to repeal section 571.030, RSMo, and to enact in lieu thereof three new sections relating to concealable weapons, with penalty provisions.

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**HB 375** [HB 375]

AN ACT to repeal section 58.451, RSMo, and to enact in lieu thereof one new section relating to coroners' reports.

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**HB 376** [HB 376]

AN ACT to repeal section 58.096, RSMo, and to enact in lieu thereof one new section relating to deputy coroner compensation.

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**HB 478** [HB 478]

AN ACT to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

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**HB 493** [HCS HB 493]

AN ACT to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

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**HB 594** [HB 594]

AN ACT to repeal section 233.295, RSMo, and to enact in lieu thereof one new section relating to dissolution of road districts in certain counties.

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**HB 598** [SS SCS HB 598]

AN ACT to repeal sections 301.010, 301.130, 301.132, 301.141, 301.142, 301.144, 301.147, 301.456, 301.463, 301.567, 301.3098, 301.4000, 304.013, 307.125, 307.127, 643.310, and 643.315, RSMo, section 307.366 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bills nos. 603, 722 & 783, ninetieth general assembly, first regular session, section 307.366 as enacted by conference committee substitute for house substitute for senate substitute for senate bill no. 19, ninetieth general assembly, first regular session, and sections 307.366 and 643.315 as truly agreed to and finally passed by senate bill no. 54, ninety-second general assembly, first regular session, and to enact in lieu thereof fifty-one new sections relating to motor vehicle registration, with penalty provisions and an effective date for certain sections.

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**HB 679** [CCS SS HS HCS HB 679 & 396]

AN ACT to repeal sections 26.740, 43.500, 43.503, 43.506, 43.521, 43.527, 43.530, 43.540, 43.543, 135.327, 168.071, 192.016, 207.050, 207.060, 208.152, 208.204, 210.025, 210.109, 210.110, 210.115, 210.145, 210.152, 210.160, 210.183, 210.201, 210.211, 210.518, 210.565, 210.760, 210.903, 210.909, 210.922, 210.937, 211.031, 211.032, 211.059, 211.171, 211.181, 211.321, 302.272, 352.400, 402.199, 402.200, 402.205, 402.215, 402.217, 453.020, 453.060, 453.110, 475.024, 491.075, 492.304, 537.046, 630.140, 630.167, 630.170, 630.210, and 660.317, RSMo, and to enact in lieu thereof eighty-five new sections relating to the state foster care and protective services for children, with penalty provisions.

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**SB 2** [SS#2 SS SCS SB 2]

AN ACT to repeal sections 285.300, 288.036, 288.038, 288.040, 288.050, 288.060, 288.110, 288.128, 288.270, 288.310, and 288.330, RSMo, and to enact in lieu thereof thirteen new sections relating to employees, with penalty provisions.

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**SB 7** [HCS SCS SB 7]

AN ACT to authorize the governor to convey land owned by the state in the county of Pettis.

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**SB 13** [SS SB 13]

AN ACT to repeal section 21.750, RSMo, relating to rights of political subdivisions, and to enact in lieu thereof one new section relating to the same subject.

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**SB 29** [SCS SB 29]

AN ACT to repeal sections 115.359 and 115.363, RSMo, and to enact in lieu thereof two new sections relating to deadlines for elections.

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**SB 69** [CCS HCS SCS SB 69]

AN ACT to repeal sections 536.010 and 536.050, RSMo, and to enact in lieu thereof eight new sections relating to small businesses.

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**SB 84** [HCS SCS SB 84]

AN ACT to repeal sections 148.330, 348.430, and 348.432, RSMo, and to enact in lieu thereof three new sections relating to tax credits.

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**SB 199** [CCS HS HCS SCS SB 199]

AN ACT to repeal sections 48.020, 48.030, 50.550, 50.740, 56.640, 67.1775, 135.207, 304.010, 473.730, 558.019, and 559.021, RSMo, and section 67.399, RSMo, as enacted by senate committee substitute for house substitute for house committee substitute for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 67.399, RSMo, as enacted by senate committee substitute for house bill no. 1352, eighty-ninth general assembly, second regular session, and to enact in lieu thereof twenty-two new sections relating to counties, with penalty provisions.

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**SB 203** [SB 203]

AN ACT to repeal section 536.077, RSMo, and to enact in lieu thereof one new section relating to administrative subpoenas.

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**SB 224** [SCS#2 SB 224]

AN ACT to authorize the conveyance of property owned by the state in the County of Callaway to the City of Fulton, with an emergency clause.

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**SB 250** [SB 250]

AN ACT to amend chapter 67, RSMo, by adding thereto one new section relating to a law enforcement sales tax, with an emergency clause.

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**SB 280** [SS SS SCS SB 280]

AN ACT to repeal sections 105.711, 258.100, 307.178, 355.176, 408.040, 430.225, 508.010, 508.040, 508.120, 509.290, 510.263, 512.020, 537.046, 537.067, 538.205, 538.210, and 538.225, RSMo, and to enact in lieu thereof thirty-two new sections relating to tort reform.

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**SB 358** [HCS SCS SB 358]

AN ACT to repeal section 115.073, RSMo, and to enact in lieu thereof one new section relating to general expenses of elections paid by certain political subdivisions.

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**SB 401** [HCS SB 401]

AN ACT to repeal sections 595.010 and 595.045, RSMo, and to enact in lieu thereof two new sections relating to crime victim compensation, with penalty provisions.

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**SB 425** [SB 425]

AN ACT to repeal section 58.451, RSMo, and to enact in lieu thereof one new section relating to reporting and investigating of death by a coroner.

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# AMENDMENTS TO CONSTITUTION OF MISSOURI

ADOPTED NOVEMBER 5, 2002

## HOUSE JOINT RESOLUTION 11 [HS HJR 11]

**CONSTITUTIONAL AMENDMENT No. 1.** — (Proposed by the Ninety-first General Assembly, First Regular Session) Shall the Missouri Constitution be amended so that the citizens of the City of St. Louis may amend or revise their present charter to provide for and reorganize their county functions and offices, as provided in the constitution and laws of the state?

**JOINT RESOLUTION** Submitting to the qualified voters of Missouri, an amendment repealing sections 31, 32(a) and 32(b) of article VI of the Constitution of Missouri relating to the city of St. Louis, and adopting four new sections in lieu thereof relating to the same subject.

### SECTION

- A. Enacting clause.
- 31. Recognition of city of St. Louis as now existing, both as a city and as a county.
- 32(a). Amendment of St. Louis charter.
- 32(b). Revision of charter of St. Louis.
- 32(b). Revision of charter of St. Louis — officers to complete terms and staff given opportunity for city employment.
- 32(c). Retirement, effect of revisions.

*Be it resolved by the House of Representatives, the Senate concurring therein:*

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2002, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article VI of the Constitution of the state of Missouri:

**SECTION A. ENACTING CLAUSE.** — Sections 31, 32(a) and 32(b), article VI, Constitution of Missouri, are repealed and four new sections adopted in lieu thereof, to be known as sections 31, 32(a), 32(b) and 32(c), to read as follows:

**SECTION 31. RECOGNITION OF CITY OF ST. LOUIS AS NOW EXISTING, BOTH AS A CITY AND AS A COUNTY.** — The city of St. Louis, as now existing, is recognized both as a city and as a county unless otherwise changed in accordance with the provisions of this constitution. As a city it shall continue for city purposes with its present charter, subject to changes and amendments provided by the constitution or by law, and with the powers, organization, rights and privileges permitted by this constitution or by law. **As a county, it shall not be required to adopt a county charter but may, except for the office of circuit attorney, amend or revise its present charter to provide for the number, kinds, manner of selection, terms of office and salaries of its county officers, and for the exercise of all powers and duties of counties and county officers prescribed by the constitution and laws of the state.**

**SECTION 32(a). AMENDMENT OF ST. LOUIS CHARTER.** — The charter of the city of St. Louis now existing, or as hereafter amended or revised, may be amended **or revised for city or county purposes** from time to time by proposals therefor submitted by the lawmaking body of

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the city to the qualified voters thereof, at a general or special election held at least sixty days after the publication of such proposals, and accepted by three-fifths of the qualified electors voting for or against each of said amendments **or revisions** so submitted. [Any such amendments so accepted shall take effect immediately, except as therein otherwise provided.]

**[SECTION 32(b). REVISION OF CHARTER OF ST. LOUIS.** — The lawmaking body of the city may order an election by the qualified voters of the city of a board of thirteen freeholders of such city to prepare a new or revised charter of the city, which shall be in harmony with the constitution and laws of the state, and shall provide, among other things for a chief executive and a house or houses of legislation to be elected by general ticket or by wards. Such new or revised charter shall be submitted to the qualified voters of the city at an election to be held not less than twenty nor more than thirty days after the order therefor, and if a majority of the qualified voters voting at the election ratify the new or revised charter, then said charter shall become the organic law of the city and shall take effect, except as otherwise therein provided, sixty days thereafter, and supersede the old charter of the city and amendments thereto.]

**SECTION 32(b). REVISION OF CHARTER OF ST. LOUIS — OFFICERS TO COMPLETE TERMS AND STAFF GIVEN OPPORTUNITY FOR CITY EMPLOYMENT.** — **In the event of any amendment or revision of the charter of the city of St. Louis which shall reorganize any county office and/or transfer any or all of the duties, powers and functions of any county officer who is then in office, the officer shall serve out the remainder of his or her term, and the amendment or revision of the charter of the city of St. Louis shall take effect, as to such office, upon the expiration of the term of such office holder. In the event of any amendment or revision of the charter of the city of St. Louis which shall reorganize any county office and/or transfer any or all of the duties, powers and functions of any county officer, all of the staff of such office shall be afforded the opportunity to become employees of the city of St. Louis with their individual seniority and compensation unaffected and on such other comparable terms and conditions as may be fair and equitable.**

**SECTION 32(c). RETIREMENT, EFFECT OF REVISIONS.** — **An amendment or revision adopted pursuant to section 32(a) of this article shall not deprive any person of any right or privilege to retire and to retirement benefits, if any, to which he or she was entitled immediately prior to the effective date of that amendment or revision.**

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Adopted November 5, 2002. (For — 1,173,822; Against — 516,584)  
Effective December 5, 2002.

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#### **SENATE JOINT RESOLUTION 24 [HCS SJR 24]**

**CONSTITUTIONAL AMENDMENT No. 3.** — (Proposed by the Ninety-first General Assembly, Second Regular Session) Shall Article III, Section 8 of the Missouri Constitution be amended to exclude, from the calculations of term limits for members of the General Assembly, service of less than one-half of a legislative term resulting from a special election held after December 5, 2002?

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**JOINT RESOLUTION** Submitting to the qualified voters of Missouri an amendment repealing section 8 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to term limits.

SECTION

- A. Enacting clause.
- 8. Term limitations for members of General Assembly.

*Be it resolved by the Senate, the House of Representatives concurring therein:*

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2002, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article III of the Constitution of the state of Missouri:

**SECTION A. ENACTING CLAUSE.** — Section 8, article III, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 8, to read as follows:

**SECTION 8. TERM LIMITATIONS FOR MEMBERS OF GENERAL ASSEMBLY.** — No one shall be elected [or appointed] to serve more than eight years total in any one house of the General Assembly nor more than sixteen years total in both houses of the General Assembly. In applying this section, service in the General Assembly resulting from an election [or appointment] prior to [the effective date of this section] **December 3, 1992, or service of less than one year, in the case of a member of the house of representatives, or two years, in the case of a member of the senate, by a person elected after the effective date of this section to complete the term of another person,** shall not be counted.

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Adopted November 5, 2002. (For — 879,162; Against — 740,941)  
Effective December 5, 2002.

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**HOUSE JOINT RESOLUTION 47 [SS SCS HCS HJR 47]**

**CONSTITUTIONAL AMENDMENT No. 4.** — (Proposed by the Ninety-first General Assembly, Second Regular Session) Shall joint boards or commissions, established by contract between political subdivisions, be authorized to own joint projects, to issue bonds in compliance with then applicable requirements of law, the bonds not being indebtedness of the state or political subdivisions, and such activities not to be regulated by the Public Service Commission?

**AN ACT** Submitting to the qualified voters of Missouri, an amendment repealing section 27 of article VI of the Constitution of Missouri relating to political subdivision revenue bonds for utility, industrial and airport purposes, and adopting one new section in lieu thereof relating to the same subject.

SECTION

- A. Enacting clause.
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27. Political subdivision revenue bonds for utility, industrial and airport purposes--restrictions.  
B. Official ballot title.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2002, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article VI of the Constitution of the state of Missouri:

**SECTION A. ENACTING CLAUSE.** — Section 27, article VI, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 27, to read as follows:

**SECTION 27. POLITICAL SUBDIVISION REVENUE BONDS FOR UTILITY, INDUSTRIAL AND AIRPORT PURPOSES — RESTRICTIONS.** — Any city or incorporated town or village in this state, by vote of a majority of the qualified electors thereof voting thereon, and any joint board[,] or commission, [officer or officers] established by a joint contract between municipalities or political subdivisions in this state, by [favorable vote of a majority of the qualified electors voting thereon in each of the municipalities or political subdivisions which are to participate in a project described in this subsection] **compliance with then applicable requirements of law**, may issue and sell its negotiable interest bearing revenue bonds for the purpose of paying all or part of the cost of purchasing, construction, extending or improving any of the following **projects**:

- (1) Revenue producing water, sewer, gas or electric light works, heating or power plants;
- (2) Plants to be leased or otherwise disposed of pursuant to law to private persons or corporations for manufacturing and industrial development purposes, including the real estate, buildings, fixtures and machinery; or
- (3) Airports[; to].

**The project shall** be owned by the municipality or by the cooperating municipalities or political subdivisions **or the joint board or commission**, either exclusively or jointly or by participation with cooperatives[,] **or** municipally owned or public utilities, the cost of operation and maintenance and the principal and interest of the bonds to be payable solely from the revenues derived by the municipality or by the cooperating municipalities or political subdivisions **or the joint board or commission** from the operation of the utility or the lease **or operation** of the [plant. No such joint board, commission, officer or officers established by a joint contract, or any joint venture or cooperative action or undertaking of any kind or character shall purchase, construct, extend or improve any revenue producing gas or electric light works, heating or power plants unless and until such joint boards, commissions, officer or officers, or any joint venture or cooperative action and all utility operations conducted by any joint board, commission, officer or officers are fully regulated in all respects as a public utility.] **project. The bonds shall not constitute an indebtedness of the state, or of any political subdivision thereof, and neither the full faith and credit nor the taxing power of the state or of any political subdivision thereof is pledged to the payment of or the interest on such bonds. Nothing in this section shall affect the ability of the public service commission to regulate investor-owned utilities.**

**SECTION B. OFFICIAL BALLOT TITLE.** — Pursuant to section 116.155, RSMo, the official ballot title shall be:

"Shall joint boards or commissions, established by contract between political subdivisions, be authorized to own joint projects, to issue bonds in compliance with then applicable requirements of law, the bonds not being indebtedness of the state or political subdivisions, and such activities not to be regulated by the Public Service Commission?"

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Pursuant to section 116.155, RSMo, the fiscal note summary shall be:

"This measure provides potential savings of state revenue and imposes no new costs."

**EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

Adopted November 5, 2002. (For — 927,715; Against — 678,137)  
Effective December 5, 2002.

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**AMENDMENTS TO CONSTITUTION OF MISSOURI****DEFEATED NOVEMBER 5, 2002****CONSTITUTIONAL CONVENTION****SUBMITTED BY MATT BLUNT, SECRETARY OF STATE**, regarding Constitutional Convention.Defeated November 5, 2002. (For — 569,598; Against — 1,079,085)

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**CONSTITUTIONAL AMENDMENT 2****INITIATIVE PETITION** regarding Collective Bargaining for Firefighters.Defeated November 5, 2002. (For — 840,493; Against — 881,395)

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**PROPOSITION A****INITIATIVE PETITION** regarding Cigarette Tax.Defeated November 5, 2002. (For — 881,701; Against — 912,210)

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**AMENDMENTS TO CONSTITUTION OF MISSOURI****DEFEATED AUGUST 6, 2002****PROPOSITION A****PROPOSED BY THE EIGHTY-NINTH GENERAL ASSEMBLY (SECOND REGULAR SESSION)**  
**RESUBMITTED BY THE GOVERNOR** regarding Wireless 911.Defeated August 6, 2002. (For — 318,875; Against — 600,274)

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**PROPOSITION B****PROPOSED BY THE NINETY-FIRST GENERAL ASSEMBLY (SECOND REGULAR SESSION)**  
regarding transportation tax.Defeated August 6, 2002. (For — 255,575; Against — 674,779)

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## HOUSE CONCURRENT RESOLUTIONS

### HOUSE CONCURRENT RESOLUTION No. 3

WHEREAS, a permanent electronic identification device to track all red meat-producing livestock from farm to table would be a great protective device for anti-bioterrorism; and

WHEREAS, such devices would be useful to the producers of red meat-producing livestock in controlling diseases as a method of tracing such livestock back to the farm; and

WHEREAS, such devices would be beneficial in providing producers with livestock carcass information, including the rate of gain; and

WHEREAS, such devices would be most useful in generating information on the concept of "farm to table" to protect American consumers:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-second General Assembly, First Regular Session, the Senate concurring therein, hereby encourage the Animal and Plant Inspection Service of the United States Department of Agriculture to develop and promulgate a permanent electronic identification program to be used on all red meat-producing livestock that would gather information and help protect the United States' consumer in the event of a bioterrorist threat; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the United States Department of Agriculture.

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### HOUSE CONCURRENT RESOLUTION No. 5

WHEREAS, the Missouri Department of Agriculture has expressed a strong need for a biosafety level 3 lab to be housed on the veterinary school campus at the University of Missouri-Columbia;

WHEREAS, a biosafety level 3 lab would bridge gaps within the University and the University and the Department of Agriculture, the Department of Conservation, and the Department of Health and Senior Services in protecting the environment from agents that are a potential threat to plants and animals, but not to humans; and

WHEREAS, the Missouri Farm Bureau, the Missouri Veterinary Medical Association, the Governor's Chronic Wasting Disease Task Force, and the Missouri Livestock and Poultry Health Council have all expressed support of the establishment of a biosafety level 3 lab in the State of Missouri; and

WHEREAS, the establishment of a biosafety level 3 lab is of critical importance to the Department of Conservation because of the threat chronic wasting disease poses for Missouri deer and elk herds. Since there currently is no biosafety level 3 lab in the state, the 6,000 samples taken during the most recent deer season in Missouri are being sent to other laboratories

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across the country, which will most likely result in delays of several months in receiving test results; and

WHEREAS, the establishment of a biosafety level 3 lab in the State of Missouri will provide the necessary infrastructure to assist infectious disease specialists and researchers who work with highly infectious pathogens to do so in a safe and controlled environment:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-second General Assembly, First Regular Session, the Senate concurring therein, hereby encourage and recommend the establishment of a biosafety level 3 lab on the veterinary school campus of the University of Missouri-Columbia; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for University of Missouri-Columbia Veterinary School, the Director of the Department of Agriculture, the Department of Conservation, and the Director of the Department of Health and Senior Services.

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#### **HOUSE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 6**

Rejecting the amount of increase in compensation for public officials as recommended by the Citizen's Commission on Compensation for Elected Officials.

WHEREAS, in November 1994, the people of Missouri established in the Missouri Constitution an independent citizen's commission that was given primary responsibility to establish a schedule of compensation for public officials based upon a review and study of the duties of elected state officials, judges and members of the General Assembly; and

WHEREAS, the Commission has faithfully undertaken its responsibility and submitted a compensation schedule that provides for an increase in compensation for the affected public officials in the amount of 5.8% and an increase for judges in the amount of \$6,000 per year; and

WHEREAS, the percentage increase recommended by the Citizen's Commission on Compensation for Elected Officials was based upon recommendations made by the Personnel Advisory Board and the Missouri Commission on Total Compensation for all state employees for fiscal year 2004; and

WHEREAS, the Citizen's Commission report makes clear that the Commission intended public officials should be treated the same as all other state employees; and

WHEREAS, the increases ultimately adopted for all state employees may well not be those recommended by the Commission when its schedule was approved and filed; and

WHEREAS, the General Assembly believes that public officials and judges should not receive any cost-of-living increase in compensation, if at all, in excess of the average salary adjustment provided to other state employees; and

WHEREAS, the Missouri Constitution clearly provides that the recommendations of the Commission are subject to appropriations, and therefor may be reduced or rejected by the General Assembly and no increase shall take effect unless and until appropriated:

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NOW, THEREFORE, BE IT RESOLVED by the members of the House of Representatives of the Ninety-second General Assembly, First Regular Session, the Senate concurring therein, that we hereby reject the Compensation Schedule of the 2002 Report and Compensation Schedule of the Missouri Citizens Commission on Compensation for Elected Officials dated, November 27, 2002.

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#### HOUSE CONCURRENT RESOLUTION NO. 11

WHEREAS, current studies indicate that children left at home alone and unsupervised have lower academic test scores, have higher absentee rates at school, exhibit higher levels of fear, stress, nightmares, loneliness, and boredom, are 1.7 times more likely to use alcohol, and are 1.6 times more likely to smoke cigarettes; and

WHEREAS, recent data shows that violent juvenile crime rates soar and children are most likely to be victims of a violent crime committed by a nonfamily member between the hours of 3 p.m. and 8 p.m., the hours immediately after school; and

WHEREAS, according to the National Center for Juvenile Justice, children are at greater risk of being involved in crime, substance abuse, and teenage pregnancy in the hours after school, especially between the hours of 3 p.m. and 4 p.m.; and

WHEREAS, the most common activity for children after school is watching television, resulting in an average 23 hours of television watching per week; and

WHEREAS, the parents of more than 800,000 Missouri school-age children work outside the home; and

WHEREAS, according to the estimates of the Urban Institute of the United States Census Bureau, at least 7 million and as many as 15 million "latchkey children" return to an empty house on any given afternoon; and

WHEREAS, in the United States, families worry about their children being unsafe and having too much idle, unsupervised time; and

WHEREAS, the United States Departments of Education and Justice report that children in quality out-of-school programs have better academic performance, school attendance, behavior, and greater expectations for the future; and

WHEREAS, children who attend high quality out-of-school programs have better peer relations, emotional adjustment, conflict resolution skills, grades, and conduct in school compared to their peers who are not in out-of-school programs; and

WHEREAS, children who attend out-of-school programs spend more time in learning opportunities, academic activities, and enrichment activities, and spend less time watching television than their peers; and

WHEREAS, children who attend out-of-school programs miss fewer days of school, have better homework completion, better school behavior, and higher test scores; and

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WHEREAS, the United States Congress has recognized the beneficial impact of out-of-school programs to our youth, and has increased the funding of out-of-school programs administered by the Missouri Department of Elementary and Secondary Education; and

WHEREAS, 92% of all Americans believe there should be organized activities for all youth during out-of-school hours; and

WHEREAS, it is estimated that less than 25% of all school-age children attend any out-of-school program, leaving 75% of our youth without a safe, supportive, and enriching environment during the unsupervised hours after the formal school day ends; and

WHEREAS, the Joint Interim committee on After-School Programs has studied several of the above-mentioned issues during the tenure of the Ninety-first General Assembly and recommends that a similar study committee be established to continue the study during the tenure of the Ninety-second General Assembly:

NOW, THEREFORE, BE IT RESOLVED by the members of the House of Representatives of the Ninety-second General Assembly, First Regular Session, the Senate concurring therein, that the "Joint Legislative Committee on Out-of-School Programs" be created to be comprised of five members of the Senate, appointed by the President Pro Tem of the Senate and the Senate Minority Floor Leader and five members of the House of Representatives, appointed by the Speaker of the House of Representatives and the House Minority Floor Leader; and

BE IT FURTHER RESOLVED that the committee continue and expand the in-depth studies conducted by the prior Joint Interim Committee on After-school Programs and to make a comprehensive analysis of the quantity and quality of Missouri out-of-school programs, including the solicitation of information from appropriate state agencies, public schools, youth development organizations, law enforcement agencies and juvenile officers, youth development and education experts, and the public (including youth) regarding the status of out-of-school programs; and

BE IT FURTHER RESOLVED that the committee, in consultation with the Departments of Elementary and Secondary Education, Social Services, and all other relevant agencies, make recommendations for an efficient and effective development plan to provide the opportunity for every Missouri school-age child to access quality out-of-school programs and design a system to train, mentor, and support out-of-school programs, and thereby guarantee their sustainability; and

BE IT FURTHER RESOLVED that the committee be authorized to hold hearings as it deems advisable, and that the staffs of Senate Research, House Research, and the Committee on Legislative Research provide such legal, research, clerical, technical, and bill drafting services requested by the committee; and

BE IT FURTHER RESOLVED that the General Assembly endorses all of state government to enthusiastically encourage our citizens to engage in innovative out-of-school programs and activities that ensure that all Missouri school-age children are not only safe, but also productive when the school day ends; and

BE IT FURTHER RESOLVED that the committee report its recommendations and findings to the General Assembly by January 1, 2005, and the authority of such committee shall terminate on December 31, 2004, unless reauthorized.

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**HOUSE CONCURRENT RESOLUTION NO. 15**

Relating to the designation of March 6th as Lymphedema D-Day in Missouri.

WHEREAS, lymphedema is an accumulation of lymphatic fluid that causes swelling in the arms, legs, or other areas of the body and affects both men and women; and

WHEREAS, the swelling caused by lymphedema can lead to severe infection or loss of the use of limbs, and patients suffering from lymphedema must endure physical discomfort and disfigurement and cope with the distress caused by these symptoms; and

WHEREAS, the single largest group of people who get lymphedema are cancer patients, including breast, prostate, gynecological, head, neck, lung, sarcoma, and melanoma patients; and

WHEREAS, in the Western world, breast cancer and its treatments are the leading causes of lymphedema, and more than two million women living with breast cancer in this country are at risk for development of lymphedema throughout their lifetimes; and

WHEREAS, recent studies have indicated that twenty percent of breast cancer patients will get lymphedema after surgery and radiation; and

WHEREAS, according to the National Cancer Institute, there are a reported eight and a half million Americans living after a diagnosis of cancer, of which about two million are breast cancer survivors; and

WHEREAS, no drug or effective surgical treatment for lymphedema currently exists; and

WHEREAS, while research in all areas of lymphedema has been notably limited; the University of Missouri Health Care System is currently conducting groundbreaking research at the University of Missouri's Ellis-Fischel Cancer Center and Sinclair School of Nursing through a project funded by a \$1.6 million grant from the National Institutes of Health and a grant from the University of Iowa Gerontological Research Nursing Intervention center. The research findings will increase understanding of lymphedema risk factors, onset, and intervention, thereby helping to improve quality of life in cancer survivorship; and

WHEREAS, this research, led by nationally recognized Dr. Jane Armer and conducted by a team of multi-disciplinary researchers, will focus on the psychosocial impacts of lymphedema and the affects of lymphedema on families and addresses the under-diagnosed and under-recognition of this condition by health care providers; and

WHEREAS, lymphedema, which has no cure and can occur at any time, has a severe financial, physical, and psychological impact on patients; and

WHEREAS, each year on March 6th, the National Lymphedema Network sponsors Lymphedema D-Day to honor patients and to raise awareness of the treatment and severity of this condition:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-second General Assembly, First Regular Session, the Senate concurring therein, hereby designate March 6th, in 2003 and each subsequent year, as Lymphedema D-Day in Missouri; and

BE IT FURTHER RESOLVED that the members of the General Assembly encourage the citizens of the State of Missouri to honor and support the courageous patients living and coping with this debilitating condition; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Approved July 11, 2003

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**HOUSE CONCURRENT RESOLUTION NO. 32**

WHEREAS, Section 21.760 of the Missouri Revised Statutes provides that during the regular legislative session which convenes in an odd-numbered year, the General Assembly shall, by concurrent resolution, employ an independent certified public accountant or certified public accounting firm to conduct an audit examination of the accounts, functions, programs, and management of the State Auditor's office:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-second General Assembly, First Regular Session, the Senate concurring therein, hereby authorize the employment of an independent certified public accountant or certified public accounting firm pursuant to the aforesaid provisions of Section 21.760; and

BE IT FURTHER RESOLVED that the audit examination be made in accordance with generally accepted auditing standards, including such reviews and inspections of books, records and other underlying data and documents as are necessary to enable the independent certified public accountant performing the audit to reach an informed opinion on the condition and performance of the accounts, functions, programs, and management of the State Auditor's Office; and

BE IT FURTHER RESOLVED that upon completion of the audit, the independent certified public accountant make a written report of his or her findings and conclusions, and supply each member of the General Assembly, the Governor, and the State Auditor with a copy of the report; and

BE IT FURTHER RESOLVED that the cost of the audit and report be paid out of the joint contingent fund of the General Assembly; and

BE IT FURTHER RESOLVED that the Commissioner of Administration bid these services, at the direction of the General Assembly, pursuant to state purchasing laws; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Commissioner of Administration.

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## **SENATE CONCURRENT RESOLUTIONS**

### **SENATE CONCURRENT RESOLUTION NO. 1**

Rejecting the amount of increase in compensation for public officials as recommended by the Citizen's Commission on Compensation for Elected Officials.

WHEREAS, in November 1994, the people of Missouri established in the Missouri Constitution an independent citizen's commission that was given primary responsibility to establish a schedule of compensation for public officials based upon a review and study of the duties of elected state officials, judges and members of the General Assembly; and

WHEREAS, the Commission has faithfully undertaken its responsibility and submitted a compensation schedule that provides for an increase in compensation for the affected public officials in the amount of 5.8% and an increase for judges in the amount of \$6,000 per year; and

WHEREAS, the percentage increase recommended by the Citizen's Commission on Compensation for Elected Officials was based upon recommendations made by the Personnel Advisory Board and the Missouri Commission on Total Compensation for all state employees for fiscal year 2004; and

WHEREAS, the Citizen's Commission report makes clear that the Commission intended public officials should be treated the same as all other state employees; and

WHEREAS, the increases ultimately adopted for all state employees may well not be those recommended by the Commission when its schedule was approved and filed; and

WHEREAS, the General Assembly believes that public officials and judges should not receive any cost-of-living increase in compensation, if at all, in excess of the average salary adjustment provided to other state employees; and

WHEREAS, the Missouri Constitution clearly provides that the recommendations of the Commission are subject to appropriations, and therefor may be reduced or rejected by the General Assembly and no increase shall take effect unless and until appropriated:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the First Regular Session of the Ninety-second General Assembly, the House of Representatives concurring therein, that we hereby reject the Compensation Schedule of the 2002 Report and Compensation Schedule of the Missouri Citizens Commission on Compensation for Elected Officials dated, November 27, 2002.

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### **SENATE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 7**

WHEREAS, the State of Missouri is currently facing a budget crisis and has limited resources for state spending; and

WHEREAS, the General Assembly is a co-equal branch of state government and is responsible for the appropriation of state funds for various governmental entities; and

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WHEREAS, the public expects and requires the General Assembly to ensure that state resources are being used as efficiently and effectively as possible; and

WHEREAS, the General Assembly is responsible for the appropriation of funds to support the operation of the forty-five judicial circuits of this state; and

WHEREAS, the General Assembly has a duty to ensure that funds appropriated to the forty-five judicial circuits are being used efficiently and effectively:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, First Regular Session, the House of Representatives concurring therein, hereby establish the Joint Interim Committee on Judicial Resources in Missouri; and

BE IT FURTHER RESOLVED that the Committee shall be composed of two majority members and one minority member of the Senate, to be appointed by the President Pro Tem of the Senate; two majority members and one minority member of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and one appellate judge, one circuit judge, and one associate circuit judge, to be appointed by the chief justice of the supreme court; and

BE IT FURTHER RESOLVED that the Committee shall conduct a comprehensive analysis of the activities of the state's forty-five judicial circuits, including an examination of the caseload of each circuit judge, associate circuit judge, and any commissioner of the circuit, examine any other issues that the committee deems relevant, and make any recommendations for improving the efficiency and effectiveness of the judicial circuits; and

BE IT FURTHER RESOLVED that the Committee be authorized to hold hearings as it deems advisable, and may solicit any input or information necessary to fulfill its obligations from the Office of State Courts Administrator, any judicial circuit within the state and the Missouri Bar; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research and the Committee on Legislative Research shall provide such legal, research, clerical, technical and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff personnel assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the Committee report its recommendations and findings to the Missouri General Assembly by January 1, 2004, and the authority of such Committee shall terminate on December 31, 2003; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President Pro Tem of the Senate, the Speaker of the House of Representatives, the office of the State Courts Administrator which office shall supply a copy to each judicial circuit in the state, and the Missouri Bar Association.

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**SENATE COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 8**

Relating to changing the name of the St. Louis Central Office of the Division of Workforce Development to the "Nathaniel J. "Nat" Rivers Office of the Division of Workforce Development"

WHEREAS, Nathaniel J. "Nat" Rivers served the people of the City of St. Louis as a member of the Missouri House of Representatives beginning in 1969, and he continued to serve for the next fourteen years; and

WHEREAS, Nat Rivers was born in Cache, Illinois and educated at Sumner High School in Cairo, Illinois, Southern Illinois University at Carbondale and St. Louis University; and

WHEREAS, Nat Rivers, a real estate and insurance broker, was very active in his community, and served on the Board of Directors of Mid-City Rental Company, Union Sarah Community Corporation, West Side Redevelopment Corporation, West End Congress, Union-Sarah Economic Development Corporation and West Side Community Gardens; and

WHEREAS, Nat Rivers was recognized for his contributions to the St. Louis community through numerous awards, including the St. Louis Citizens Award in Community Service in 1979, the Harris-Stowe College Award in recognition for his concern for Higher Education and Human Development in 1978, and the Dr. Martin Luther King Jr. Human Rights Award in 1979; and

WHEREAS, such awards only begin to recognize Nat Rivers' true accomplishments and contributions to the citizens of St. Louis and the State of Missouri; and

WHEREAS, the most appropriate way to recognize an individual of Nat Rivers' stature is to name a public building after him; and

WHEREAS, the St. Louis Central Office of the Division of Workforce Development, located at 4811 Delmar Boulevard in the City of St. Louis, has no proper name; and

WHEREAS, this St. Louis Central Office provides much needed community services to persons in the St. Louis area, including job service and development, job corps, work opportunity and welfare-to-work information, job training assistance, veterans service and unemployment benefit information; and

WHEREAS, Nat Rivers' contributions and service to the community of St. Louis are exemplary and distinguished:

NOW, THEREFORE, BE IT RESOLVED that the Senate of the Ninety-second General Assembly, First Regular Session, the House of Representatives concurring therein, proclaims that the St. Louis Central Office of the Division of Workforce Development, located at 4811 Delmar Boulevard in the City of St. Louis, be hereby named the "Nathaniel J. "Nat" Rivers Office of the Division of Workforce Development", and that a sign or signs of appropriate size, lettering and design be constructed and placed on said office property with the name "Nathaniel J. "Nat" Rivers Office of the Division of Workforce Development" on said sign, which shall be readily legible from the street; and

BE IT FURTHER RESOLVED that the Director of the Department of Economic Development shall promptly notify those members of the General Assembly whose constituents are served

by the Nathaniel J. "Nat" Rivers Office of the Division of Workforce Development, the Secretary of the Senate and the Chief Clerk of the House of Representatives with the date in which said sign or signs are to be placed on the property; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to send this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Approved July 11, 2003

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**SENATE CONCURRENT RESOLUTION NO. 10**

BE IT RESOLVED by the Senate of the Ninety-second General Assembly, the House of Representatives concurring therein, that the Missouri Committee on Legislative Research shall prepare and cause to be collated, indexed, printed and bound all acts and resolutions of the Ninety-second General Assembly, First Regular Session, and shall examine the printed copies and compare them with and correct the same by the original rolls, together with an attestation under the hand of the Revisor of Statutes that she has compared the same with the original rolls in her office and has corrected the same thereby; and

BE IT FURTHER RESOLVED that the size and quality of the paper and binding shall be substantially the same as used in prior session laws and the size and style of type shall be determined by the Revisor of Statutes; and

BE IT FURTHER RESOLVED that the Joint Committee on Legislative Research is authorized to print and bind copies of the acts and resolutions of the Ninety-second General Assembly, First Regular Session, with appropriate indexing; and

BE IT FURTHER RESOLVED that the Revisor of Statutes is authorized to determine the number of copies to be printed.

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**SENATE CONCURRENT RESOLUTION NO. 11**

Relating to the creation of the comprehensive patient education and health care cost improvement pilot project.

WHEREAS, in order to continue to provide improved services to patients in this state, improving patient information regarding elective surgical procedures and their risks and complications is needed; and

WHEREAS, the lack of information regarding surgery, surgical risks, and post surgical complications contributes to patient dissatisfaction, over-utilization of the health care system, malpractice claims, and the rising cost of healthcare; and

WHEREAS, the Department of Insurance and any appropriate health care institution may evaluate the establishment of the "Comprehensive Patient Education and Healthcare Cost

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Improvement Pilot Program" which will develop and incorporate effective patient education programs into the preoperative consultation and informed consent process; and

WHEREAS, the Comprehensive Patient Education and Healthcare Cost Improvement Pilot Program shall be subject to appropriations and implemented no later than six months after funding for the pilot program is made available if the department, in its judgment, concludes such program is beneficial to the health care system of Missouri, and shall have a duration of three years; and

WHEREAS, the Comprehensive Patient Education and Healthcare Cost Improvement Pilot Program shall, prior to the patient consenting to elective surgery:

- (1) Use an educational system that visually explains to the patient in simple terms the entire surgical procedure;
- (2) Fully discloses to the patient in simple terms all known complications and their frequencies based on accepted medical literature;
- (3) Allows the patient access to the education outside the surgeon's office;
- (4) Fully documents the patient education process;
- (5) Collects outcome data after surgery; and
- (6) Fully disclose to the patient the value of second opinions from financially disinterested parties; and

WHEREAS, the Department of Insurance shall monitor the pilot program and report to the Director of the Department of Insurance and the General Assembly on the effectiveness of such program by the second week of the regular session of the General Assembly in the next session following completion of the Pilot Program; and

WHEREAS, the report shall include an analysis of the advantages and disadvantages of the patient education process, including but not limited to:

- (1) The effect of the Pilot Program on the reduction of medical malpractice claims;
- (2) Patient satisfaction concerning the education process;
- (3) Doctors' feedback concerning the Pilot Program;
- (4) Total number of surgical procedures performed;
- (5) A comparison of Medicaid dollars spent on relevant surgical procedures versus the previous year and projected year; and
- (6) Suggestions for improving the educational system or its implementation, if any:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, First Regular Session, the House of Representatives concurring therein, hereby direct the Department of Insurance to create the "Comprehensive Patient Education and Healthcare Cost Improvement Pilot Program". If, after the evaluation called for in this resolution, the department concludes such pilot program is beneficial to the health care system of Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to send this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Approved July 11, 2003

**SENATE CONCURRENT RESOLUTION NO. 12**

WHEREAS, a recent report of the Bureau of Justice Statistics, reported there are more than 1.4 million prisoners in the jurisdiction of federal or state adult correctional agencies, and the overall population of those incarcerated exceeds 2.07 million persons; and

WHEREAS, state prisons are operating between full and 15 percent above capacity and federal prisons are operating 31 percent above capacity; and

WHEREAS, in the wake of September 11, states have been charged with homeland safety and are required to more stringently track prisoners and prison populations; and

WHEREAS, while state growth in revenue continues to decline, the Missouri Department of Corrections continues to experience increasing demands through federal and state laws, sentencing guidelines, and recidivism, and is thus facing an increasing prison population; and

WHEREAS, it is in the state's best interest to encourage offender education, vocation, and substance abuse programs, and to include adult basic education/GED preparation, religious programs, wellness, parenting, and life skills programs; and

WHEREAS, both the federal and state government should continue to set forth high standards of service and levels of quality for housing detainees similar to those found in the American Correctional Association (ACA); and

WHEREAS, President George W. Bush, in August, 2002, proposed a federal initiative to institute more e-government, improve financial management with better audit results, initiate performance-based budgeting, reduce middle management, and increase competitive bidding between public and private sections; and

WHEREAS, the state of Missouri through its elected Senators and Representatives is seeking all available remedies to its declining revenues, but demands accountability, performance, low cost, and flexibility in its solutions:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-second General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the Governor and the Missouri Department of Corrections to explore the opportunities for public-private partnerships to design, build and/or manage prison facilities, and to monitor inmate populations; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor of Missouri and the Director of the Missouri Department of Corrections.

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**SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 13**

Establishing a Subcommittee on Competition and Privatization within the Joint Committee on Legislative Research.

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WHEREAS, the current budgetary situation has brought about a heightened necessity to re-examine the state's expenditures; and

WHEREAS, the state performs many functions which are similarly performed by private industry; and

WHEREAS, certain aspects of state administration and services may be more efficiently served by private involvement; and

WHEREAS, the Joint Committee on Legislative Research is established pursuant to the Constitution to carry out the duties assigned to it by law:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-second General Assembly, First Regular Session, the House of Representatives concurring therein, that we hereby create a Subcommittee on Competition and Privatization within the Joint Committee on Legislative Research; and

BE IT FURTHER RESOLVED, the subcommittee shall identify ways to reduce cost to state government and increase quality of state services to the citizens of this state; and

BE IT FURTHER RESOLVED, the subcommittee shall perform both a competition review and privatization review and make recommendations based on its findings; and

BE IT FURTHER RESOLVED that the Subcommittee herein established shall consist of sixteen members of which four shall be members of the Senate appointed by the President Pro Tem of the Senate of which at least two shall be members of the minority party, four shall be members of the House of Representatives of which two shall be appointed by the Speaker of the House of Representatives and two of which shall be members of the minority party appointed by the Minority Floor Leader with approval of the Speaker of the House of Representatives, four shall be representatives of private businesses appointed by the President Pro Tem of the Senate of which at least two shall be members of the minority party, four shall be representatives of private business appointed by the Speaker of the House of Representatives of which at least two shall be members of the minority party, and the President Pro Tem of the Senate and the Speaker of the House of Representatives shall collaborate to ensure that the membership of the Subcommittee reflects adequate minority and gender representation; and

BE IT FURTHER RESOLVED that the Joint Committee on Legislative Research shall provide the necessary staff resources for the Subcommittee from its own staff, although it may choose to call upon the additional resources of the Senate and House Research offices; and

BE IT FURTHER RESOLVED that the subcommittee is authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective provided herein; and

BE IT FURTHER RESOLVED that within funds available to the committee, it may employ necessary consulting services to assist in its objectives and provide for reasonable reimbursement of non-legislative members of the committee; and

BE IT FURTHER RESOLVED that the subcommittee shall hold its initial meeting no later than the first Friday after the start of the first September Veto Session of the Ninety-second General Assembly and shall meet at least quarterly thereafter; and

BE IT FURTHER RESOLVED that the subcommittee must deliver its first report to the Governor, General Assembly, the state Auditor, and the Joint Committee on Legislative Research with its findings and recommendations by January 15, 2004 and a second report to the same by December 31, 2004; and

BE IT FURTHER RESOLVED that the subcommittee shall expire at the end of the Ninety-second General Assembly; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President Pro Tem of the Senate, the Speaker of the House of Representatives, and the Joint Committee on Legislative Research.

Approved July 11, 2003

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**SENATE CONCURRENT RESOLUTION NO. 16**

WHEREAS, public education is the primary responsibility of the state after paying state debts, as provided pursuant to Article III, Section 36 of the Missouri Constitution; and

WHEREAS, the adequacy and equity of funding available to public schools has again become a serious concern across the state, highlighted by the wide range of available operating funding for Missouri school districts, which ranges from \$4,500 to over \$13,700 per pupil; and

WHEREAS, the cost to fully fund state school aid continues to increase significantly each year and requires funds which create hardships for other sectors of society needing access to state funds; and

WHEREAS, public education is labor intensive with roughly three-fourths of operating cost supporting salaries and benefits of staff, and most of those salaries being paid to certificated teachers; and

WHEREAS, the fiscal situation facing the state and the resulting budget problems limits the ability to fund all services including education, it is necessary to review the state's commitment to all present and future aspects of education funding; and

WHEREAS, the fiscal situation and problems facing this state are serious and likely to continue for the foreseeable future and because any major alternation rendered to the state's education funding formula will require some amount of increased appropriation in order to meet the required legal standards of equity and adequacy, the need to explore opportunities to increase general revenue resources that can be used for the funding of education is critical:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, First Regular Session, the House of Representatives concurring therein, that a joint interim committee on education be created to be composed of seven members of the Senate, to be appointed by the President Pro Tem and seven members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

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BE IT FURTHER RESOLVED that said committee conduct an in-depth study concerning all issues relating to equity and adequacy of distribution of state school aid, teachers' salaries, funding for school buildings, and overall funding levels for schools and any other education-related issues the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Ninety-second General Assembly; and

BE IT FURTHER RESOLVED that said committee may solicit any input and information necessary to fulfill its obligations from the Missouri Department of Elementary and Secondary Education, the State Board of Education, the Department of Higher Education, the Coordinating Board for Higher Education, the State Tax Commission, all school districts and other political subdivisions of this state, teachers and teacher groups, business and other commercial interests and any other interested persons; and

BE IT FURTHER RESOLVED that House Research, the Committee on Legislative Research, and Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

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#### **SENATE CONCURRENT RESOLUTION No. 21**

WHEREAS, Missouri's dairy industry has dramatically changed over the past three decades; and

WHEREAS, the number of dairy farms has declined by 83% and state milk production has dropped by 35% since 1975; and

WHEREAS, neighboring states around Missouri are making tremendous advances to expand their dairy industry and have found solutions in spite of state budget shortfalls; and

WHEREAS, the Missouri Dairy Growth Council has developed a "Dairy Producers' Industry Plan" that emphasizes necessary changes for expanding Missouri's dairy industry including:

- (1) Enhancing Missouri dairy operations by providing producer education and training;
  - (2) Focusing on business planning, financial bench marking, employee training and management and risk management can lead to successful dairy enterprises;
  - (3) Creating a business climate that promotes growth and investment in Missouri dairies will result in the long-term health and expansion of the Missouri dairy industry;
  - (4) Expanding access to capital for dairy modernization, creation, and expansion is essential to the success of the dairies in Missouri; and
  - (5) Providing a strong organizational and communications infrastructure to ensure long-term success for dairy producers; and
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WHEREAS, the time is right to bring back the dairy industry in Missouri and reverse the downward trends:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, First Regular Session, the House of Representatives concurring therein, hereby endorse the recommendations of the Missouri Dairy Growth Council; and

BE IT FURTHER RESOLVED that Missouri's Department of Agriculture work in cooperation with the Missouri Dairy Growth Council to complete a five-year plan for Missouri's dairy industry including the establishment of a website for the marketing of all dairy production inputs; and

BE IT FURTHER RESOLVED the Department of Natural Resources reach an agreement with the dairy industry on what are required and acceptable regulations for dairy and heifer growing operations; and

BE IT FURTHER RESOLVED the Department of Economic Development receive a detailed briefing on the economic impact of Missouri dairy operations.

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# **LAWS of MISSOURI**

**Passed during the  
First Extraordinary Session**

**NINETY-SECOND  
GENERAL ASSEMBLY**

**2003**

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## HB 2\* [CCS SCS HCS HB 2]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2003 and ending June 30, 2004, as follows:

**SECTION 2.005.** — To the Department of Elementary and Secondary Education  
For the Division of General Administration

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation	
From General Revenue Fund . . . . .	\$2,647,037
Personal Service. . . . .	1,144,369
Expense and Equipment . . . . .	1,367,486
From Federal Funds. . . . .	2,511,855
Personal Service . . . . .	247,524
Expense and Equipment. . . . .	2,681,686
From Excellence in Education Fund . . . . .	2,929,210
Expense and Equipment	
From Federal Funds . . . . .	3,000,000
From Lottery Proceeds Fund. . . . .	110,880
Total (Not to exceed 97.50 F.T.E.) . . . . .	\$11,198,982

**SECTION 2.010.** — To the Department of Elementary and Secondary Education  
For construction and site acquisition costs to accommodate any reasonably anticipated net enrollment increase caused by any reduction or elimination of the voluntary transfer plan as approved by the United States Court of the Eastern District of Missouri pursuant to Senate Bill 781 (1998)

From General Revenue Fund. . . . . \$16,500,000

**SECTION 2.015.** — To the Department of Elementary and Secondary Education  
For distributions to the free public schools under the School Foundation

Program as provided in Chapter 163, RSMo as follows: At least \$1,718,394,978 for the Equity Formula; and no more than: \$357,462,692 for the Line 14 At-Risk Program; \$152,167,319 for Transportation; \$149,617,982 for Special Education; \$11,096,925 for Remedial Reading; \$81,274,784 for Early Childhood Special

Education; \$23,415,942 for Gifted Education; \$37,297,656 for Career  
Ladder; \$52,080,428 for Vocational Education; \$27,895,976 for Early  
Childhood Development  
From Outstanding Schools Trust Fund. . . . . \$393,181,996  
From State School Moneys Fund. . . . . 2,128,729,689  
From Lottery Proceeds Fund . . . . . 88,792,997

For State Board of Education operated school programs  
Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation  
From General Revenue Fund (Not to exceed 864.83 F.T.E.). . . . . 42,548,819

Personal Service . . . . . 1,577,832  
Expense and Equipment. . . . . 1,527,581  
From Federal Funds . . . . . 3,105,413

Expense and Equipment  
From Bingo Proceed for Education Fund. . . . . 1,707,167  
Total (Not to exceed 888.72 F.T.E.). . . . . \$2,658,066,081

**SECTION 2.020.**— To the Department of Elementary and Secondary Education  
For early grade literacy programs offered at Southeast Missouri State University  
From General Revenue Fund. . . . . \$105,000  
From Lottery Proceeds Fund . . . . . 145,000  
From Outstanding Schools Trust Fund. . . . . 250,000  
Total. . . . . \$500,000

**SECTION 2.025.**— To the Department of Elementary and Secondary Education  
For the School Food Services Program to reimburse schools for breakfasts  
and lunches  
From General Revenue Fund. . . . . \$3,460,219  
From Federal Funds . . . . . 148,175,188E  
Total. . . . . \$151,635,407

**SECTION 2.035.**— To the Department of Elementary and Secondary Education  
For distributions to the public elementary and secondary schools in this state, pursuant  
to Chapters 149 and 163, RSMo, pertaining to the Fair Share Fund  
From Fair Share Fund. . . . . \$23,225,250E

**SECTION 2.040.**— To the Department of Elementary and Secondary Education  
For distributions to the public elementary and secondary schools in this state,  
pursuant to Chapters 144, 163, and 164, RSMo, pertaining to the School  
District Trust Fund  
From School District Trust Fund.. . . . \$693,947,458E

**SECTION 2.045.**— To the Department of Elementary and Secondary Education  
For the apportionment to school districts, and state board operated school  
programs for expense and equipment, one-half the amount accruing to  
the General Revenue Fund from the County Foreign Insurance Tax  
From General Revenue Fund. . . . . \$89,650,000E

**SECTION 2.050.**— To the Department of Elementary and Secondary Education

For costs associated with school district bonds  
 From School District Bond Fund. . . . . \$450,000

**SECTION 2.055.**— To the Department of Elementary and Secondary Education  
 For receiving and expending donations and federal funds provided that the  
     General Assembly shall be notified of the source of any new funds and  
     the purpose for which they shall be expended, in writing, prior to the  
     expenditure of said funds

From Federal and Other Funds. . . . . \$15,000,000

**SECTION 2.060.**— To the Department of Elementary and Secondary Education  
 For the Division of School Improvement

    Personal Service and/or Expense and Equipment, provided that not more  
     than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund (Not to exceed 31.19 F.T.E.). . . . . \$1,457,251

        Personal Service . . . . . 2,619,666  
         Expense and Equipment . . . . . 4,656,520  
 From Federal Funds (Not to exceed 64.07 F.T.E.). . . . . 7,276,186

        Personal Service . . . . . 203,837  
         Expense and Equipment. . . . . 28,120  
 From Outstanding Schools Trust Fund (Not to exceed 6.3 F.T.E.). . . . . 231,957

For the Division of Vocational and Adult Education

    Personal Service and/or Expense and Equipment, provided that not more  
     than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund (Not to exceed 33.50 F.T.E.). . . . . 1,421,536

        Personal Service . . . . . 2,013,469  
         Expense and Equipment. . . . . 910,372  
 From Federal Funds (Not to exceed 58.00 F.T.E.). . . . . 2,923,841

For the Division of Special Education

    Personal Service and/or Expense and Equipment, provided that not more  
     than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund (Not to exceed 4.50 F.T.E.). . . . . 223,846

        Personal Service . . . . . 1,637,545  
         Expense and Equipment. . . . . 590,842  
 From Federal Funds (Not to exceed 42.50 F.T.E.). . . . . 2,228,387

For the Division of Teacher Quality and Urban Education

    Personal Service and/or Expense and Equipment, provided that not more  
     than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund (Not to exceed 27.00 F.T.E.). . . . . 1,005,732

        Personal Service . . . . . 35,007  
         Expense and Equipment. . . . . 382,366  
 From Federal Funds (Not to exceed 1 F.T.E.). . . . . 417,373

        Personal Service . . . . . 76,921

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Expense and Equipment. . . . .	7,041
From Outstanding Schools Trust Fund (Not to exceed 2.00 F.T.E.). . . . .	83,962
Total (Not to exceed 270.06 F.T.E.). . . . .	<u>\$17,270,071</u>

**SECTION 2.065.**— To the Department of Elementary and Secondary Education  
For the Technology Grants Program and for planning and implementing computer  
network infrastructure for public elementary and secondary schools, including  
computer access to the Department of Elementary and Secondary Education  
and to improve the use of classroom technology  
From Federal Funds. . . . . \$12,162,366

**SECTION 2.070.**— To the Department of Elementary and Secondary Education  
For improving basic programs operated by local education agencies under Title I  
of the No Child Left Behind Act  
From Federal Funds. . . . . \$190,000,000E

**SECTION 2.075.**— To the Department of Elementary and Secondary Education  
For the Reading First Grant Program under Title I of the No Child Left  
Behind Act  
From Federal Funds. . . . . \$14,908,815E

**SECTION 2.080.**— To the Department of Elementary and Secondary Education  
For innovative educational program strategies under Title VI of the No Child  
Left Behind Act  
From Federal Funds. . . . . \$11,000,000E

**SECTION 2.085.**— To the Department of Elementary and Secondary Education  
For programs for the gifted from interest earnings accruing in the Stephen  
Morgan Ferman Memorial for Education of the Gifted  
From State School Moneys Fund. . . . . \$10,000E

**SECTION 2.090.**— To the Department of Elementary and Secondary Education  
For the Missouri Scholars and Fine Arts Academies  
From General Revenue Fund. . . . . \$511,568  
From Lottery Proceeds Fund. . . . . 158,156  
Total. . . . . \$669,724

**SECTION 2.095.**— To the Department of Elementary and Secondary Education  
For reimbursements to school districts for the Early Childhood Program,  
Hard-to-Reach Incentives, and Parent Education in conjunction with the  
Early Childhood Educational and Screening Program  
From General Revenue Fund. . . . . \$73,200  
From Federal Funds . . . . . 824,000  
From State School Moneys Fund. . . . . 125,000

For grants to higher education institutions or area vocational technical schools  
for the Child Development Associate Certificate Program in  
collaboration with the Coordinating Board for Higher Education  
From Federal Funds . . . . . 400,000

For grants to school districts under the Early Childhood Development, Education  
and Care Program, including up to \$25,000 in expense and equipment,

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for program administration  
From Early Childhood Development, Education and Care Fund. . . . . 16,545,112  
Total. . . . . \$17,967,312

**SECTION 2.100.**— To the Department of Elementary and Secondary Education

For the A+ Schools Program  
From General Revenue Fund. . . . . \$46,860  
From Lottery Proceeds Fund. . . . . 12,563,100  
Total. . . . . \$12,609,960

**SECTION 2.105.**— To the Department of Elementary and Secondary Education

For the Performance Based Assessment Program  
From General Revenue Fund. . . . . \$378,355  
From Federal Funds . . . . . 7,184,722  
From Outstanding Schools Trust Fund. . . . . 128,125  
From Lottery Proceeds Fund. . . . . 4,568,630  
Total. . . . . \$12,259,832

**SECTION 2.110.**— To the Department of Elementary and Secondary Education

For courses, exams, and other expenses that lead to high school students receiving  
college credit and Advanced Placement examination fees for low-income  
families  
From Federal Funds. . . . . \$407,250  
From Lottery Proceeds Fund. . . . . 711,786  
Total. . . . . \$1,119,036

**SECTION 2.115.**— To the Department of Elementary and Secondary Education

For school renovation grants  
From Federal Funds. . . . . \$14,252,588E

**SECTION 2.120.**— To the Department of Elementary and Secondary Education

For the Instructional Improvement Grants Program pursuant to Title II  
Improving Teacher Quality  
From Federal Funds. . . . . \$74,348,890E

**SECTION 2.125.**— To the Department of Elementary and Secondary Education

For the Safe and Drug Free Schools Grants Program pursuant to Title IV of the  
No Child Left Behind Act  
From Federal Funds. . . . . \$9,600,000E

**SECTION 2.130.**— To the Department of Elementary and Secondary Education

For a safe schools initiative to include, but not be limited to, safe school grants,  
alternative education program grants, equipment, anti-violence curriculum  
development, and conflict resolution  
From General Revenue Fund. . . . . \$200,000  
From Lottery Proceeds Fund . . . . . 4,922,368  
Total. . . . . \$5,122,368

**SECTION 2.135.**— To the Department of Elementary and Secondary Education

For the Public Charter Schools Program  
From Federal Funds. . . . . \$2,432,000

**SECTION 2.140.**— To the Department of Elementary and Secondary Education  
 For the state's portion of the scholarship program for teacher education students  
     in approved programs at four-year colleges or universities in Missouri  
     pursuant to the Excellence in Education Act  
 From General Revenue Fund. . . . . \$249,000

For the state's portion for scholarships for minority students pursuant to Section  
     161.415, RSMo  
 From Lottery Proceeds Fund . . . . . 200,000  
 Total. . . . . \$449,000

**SECTION 2.145.**— To the Department of Elementary and Secondary Education  
 For grants to public schools for whole-school, research-based reform programs  
 From Federal Funds. . . . . \$8,000,000E

**SECTION 2.150.**— To the Department of Elementary and Secondary Education  
 For grants to rural and low income schools  
 From Federal Funds. . . . . \$2,100,000

**SECTION 2.155.**— To the Department of Elementary and Secondary Education  
 For language acquisition pursuant to Title III of the No Child Left Behind Act  
 From Federal Funds. . . . . \$2,600,000

**SECTION 2.160.**— To the Department of Elementary and Secondary Education  
 For the Refugee Children School Impact Grants Program  
 From Federal Funds. . . . . \$800,000

**SECTION 2.165.**— To the Department of Elementary and Secondary Education  
 For character education initiatives  
 From Federal Funds. . . . . \$600,000  
 From Lottery Proceeds Fund. . . . . 250,000  
 Total. . . . . \$850,000

**SECTION 2.170.**— To the Department of Elementary and Secondary Education  
 For the Gold Star Schools Program  
 From Federal Funds. . . . . \$15,000

**SECTION 2.175.**— To the Department of Elementary and Secondary Education  
 For the Schools with Distinction Program  
 From Federal Funds. . . . . \$13,000

**SECTION 2.180.**— To the Department of Elementary and Secondary Education  
 For Transition to Teaching Program  
 From Federal Funds. . . . . \$1,000,000

For the Missouri State Action for Education Leadership Project  
 From Federal Funds. . . . . 300,000  
 Total. . . . . \$1,300,000

**SECTION 2.185.**— To the Department of Elementary and Secondary Education  
 For the Division of Vocational Rehabilitation  
     Personal Service and/or Expense and Equipment, provided that not more

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than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund (Not to exceed 7.50 F.T.E.)..... \$315,233

Personal Service and/or Expense and Equipment, provided that not more  
 than fifteen percent (15%) flexibility is allowed between each appropriation  
 Personal Service ..... 26,357,200  
 Expense and Equipment..... 4,628,028  
 From Federal Funds (Not to exceed 749.00 F.T.E.)..... 30,985,228  
 Total (Not to exceed 757.00 F.T.E.)..... \$31,300,461

**SECTION 2.190.**— To the Department of Elementary and Secondary Education  
 For the Vocational Rehabilitation Program

From General Revenue Fund..... \$10,571,518  
 From Federal Funds ..... 36,387,727  
 From Payments by the Department of Mental Health ..... 1,000,000  
 From Lottery Proceeds Fund. .... 1,400,000  
 Total. .... \$49,359,245

**SECTION 2.195.**— To the Department of Elementary and Secondary Education  
 For the Disability Determination Program

From Federal Funds. .... \$18,000,000

**SECTION 2.200.**— To the Department of Elementary and Secondary Education  
 For the Personal Care Assistance Program

From General Revenue Fund..... \$28,170,927  
 From Federal Funds ..... 40,482,137E  
 Total. .... \$68,653,064

**SECTION 2.205.**— To the Department of Elementary and Secondary Education  
 For Independent Living Centers

From General Revenue Fund..... \$2,156,486  
 From Federal Funds ..... 1,592,546  
 From Independent Living Center Fund..... 590,556  
 Total. .... \$4,339,588

**SECTION 2.210.**— To the Department of Elementary and Secondary Education  
 For the Project SUCCESS Program

From Federal Funds. .... \$500,000

**SECTION 2.215.**— To the Department of Elementary and Secondary Education  
 For distributions to providers of vocational education programs

From Federal Funds. .... \$32,064,693

**SECTION 2.220.**— To the Department of Elementary and Secondary Education  
 For job training programs pursuant to the Workforce Investment Act

From Federal Funds. .... \$6,797,937E

**SECTION 2.225.**— To the Department of Elementary and Secondary Education  
 For distributions to educational institutions for the Adult Basic Education Program

From General Revenue Fund..... \$4,279,293  
 From Federal Funds ..... 12,500,000  
 From Outstanding Schools Trust Fund. .... 525,313

Total. . . . . \$17,304,606

**SECTION 2.230.**— To the Department of Elementary and Secondary Education  
For a grant award program for literacy and family literacy providers that offer  
services that are complementary to adult basic education

From General Revenue Fund. . . . . \$1,184,991

**SECTION 2.235.**— To the Department of Elementary and Secondary Education  
For the School Age Child Care Program

From Federal Funds. . . . . \$12,138,563

**SECTION 2.240.**— To the Department of Elementary and Secondary Education  
For the Troops to Teachers Program

From Federal Funds. . . . . \$153,610

**SECTION 2.245.**— To the Department of Elementary and Secondary Education  
For the Special Education Program

From Federal Funds. . . . . \$182,315,211E

**SECTION 2.250.**— To the Department of Elementary and Secondary Education  
For special education excess costs and severe disabilities services

From Federal Funds. . . . . \$4,257,267E

**SECTION 2.255.**— To the Department of Elementary and Secondary Education  
For the First Steps Program

From General Revenue Fund. . . . . \$3,017,369

From Federal Funds . . . . . 10,506,837

From Early Childhood Development, Education and Care Fund. . . . . 5,286,042

Total. . . . . \$18,810,248

**SECTION 2.260.**— To the Department of Elementary and Secondary Education  
For payments to school districts for children in residential placements through the  
Department of Mental Health or the Department of Social Services pursuant  
to Section 167.126, RSMo

From General Revenue Fund. . . . . \$3,130,731

From Lottery Proceeds Fund. . . . . 6,968,606

Total. . . . . \$10,099,337

**SECTION 2.265.**— To the Department of Elementary and Secondary Education  
For operational maintenance and repairs for State Board of Education operated  
schools

From Facilities Maintenance Reserve Fund. . . . . \$57,950

From Lottery Proceeds Fund . . . . . 342,754

Total. . . . . \$400,704

**SECTION 2.270.**— To the Department of Elementary and Secondary Education  
For the Sheltered Workshops Program

From General Revenue Fund. . . . . \$18,598,625

**SECTION 2.275.**— To the Department of Elementary and Secondary Education  
For payments to readers for blind or visually handicapped students in elementary  
and secondary schools

From General Revenue Fund.....	\$14,000
From State School Moneys Fund.....	<u>25,000</u>
Total.....	\$39,000

**SECTION 2.280.**— To the Department of Elementary and Secondary Education  
For a task force on blind student academic and vocational performance  
From General Revenue Fund..... \$95,000

**SECTION 2.285.**— To the Department of Elementary and Secondary Education  
For the Missouri School for the Deaf  
From School for the Deaf Trust Fund..... \$25,000E

**SECTION 2.290.**— To the Department of Elementary and Secondary Education  
For the Missouri School for the Blind  
From School for the Blind Trust Fund..... \$1,500,000E

**SECTION 2.295.**— To the Department of Elementary and Secondary Education  
For the State Schools for Severely Handicapped Children  
From Handicapped Children's Trust Fund..... \$30,000E

**SECTION 2.300.**— To the Department of Elementary and Secondary Education  
For the Missouri Commission for the Deaf and Hard of Hearing  
Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation  
From General Revenue Fund..... \$254,291

Expense and Equipment	
From Federal Funds .....	50,000
From Certification of Interpreters Fund.....	125,000
From Missouri Commission for Deaf and Hard of Hearing Fund.....	<u>50,000</u>
Total (Not to exceed 7.00 F.T.E.).....	\$479,291

**SECTION 2.305.**— To the Department of Elementary and Secondary Education  
Funds are to be transferred out of the State Treasury, chargeable to the General  
Revenue Fund, to the State School Moneys Fund  
From General Revenue Fund..... \$1,837,494,202

**SECTION 2.310.**— To the Department of Elementary and Secondary Education  
Funds are to be transferred out of the State Treasury, chargeable to the Gaming  
Proceeds for Education Fund, to the State School Moneys Fund  
From Gaming Proceeds for Education Fund..... \$231,380,000E

**SECTION 2.315.**— To the Department of Elementary and Secondary Education  
Funds are to be transferred out of the State Treasury, chargeable to the General  
Revenue Fund, to the Outstanding Schools Trust Fund  
From General Revenue Fund..... \$394,400,000E

**SECTION 2.320.**— To the Department of Elementary and Secondary Education  
Funds are to be transferred out of the State Treasury, chargeable to the Gaming  
Proceeds for Education Fund, to the School District Bond Fund  
From Gaming Proceeds for Education Fund..... \$450,000

**BILL TOTALS**

General Revenue Fund. . . . .	\$2,464,161,089
Federal Funds. . . . .	927,318,630
Other Funds. . . . .	<u>1,158,941,912</u>
Total. . . . .	\$4,550,421,631

Disapproved June 19, 2003

\*This bill reduces state aid to our public schools to unacceptable levels. Since a significant percentage of the foundation program supports teacher salaries, such a cut is likely to result in the layoff of school employees, including teachers across the state. The elimination of the Science, Social Studies, and Health Education assessments is a step backward in accountability of Missouri schools. Without these assessments, the department and local school districts will be unable to determine how well students are performing in these important subject areas. Our children are our future. Reduced funding for education jeopardizes our commitment to and the progress we have made toward providing quality education to our children. We must protect the state's investment in education.

BOB HOLDEN, Governor

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**HB 3\* [CCS SCS HCS HB 3]**

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the state treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2003 and ending June 30, 2004, as follows:

**SECTION 3.005.** — To the Department of Higher Education

For Higher Education Coordination

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$789,095

For regulation of proprietary schools as provided in Section 173.600, RSMo

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . 155,622

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For MOSTARS grant and scholarship program administration  
 Personal Service and/or Expense and Equipment, provided that not more  
 than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund. . . . . 275,951  
 Total (Not to exceed 21.90 F.T.E.). . . . . \$1,220,668

**SECTION 3.010.**— To the Department of Higher Education  
 For indemnifying individuals as a result of improper actions on the part of  
 proprietary schools as provided in Section 173.612, RSMo  
 From Proprietary School Bond Fund. . . . . \$100,000

**SECTION 3.015.**— To the Department of Higher Education  
 For annual membership in the Midwestern Higher Education Commission  
 From General Revenue Fund. . . . . \$82,500

**SECTION 3.020.**— To the Department of Higher Education  
 For the Missouri Learners' Network  
 From Federal Funds. . . . . \$410,800

**SECTION 3.025.**— To the Department of Higher Education  
 For the State Anatomical Board  
 From General Revenue Fund. . . . . \$3,069

**SECTION 3.030.**— To the Department of Higher Education  
 For the Eisenhower Science and Mathematics Program and the Improving Teacher  
 Quality State Grants Program  
 Personal Service. . . . . \$56,825  
 Expense and Equipment . . . . . 20,400  
 Federal Education Programs. . . . . 1,698,000  
 From Federal Funds (Not to exceed 1.00 F.T.E.). . . . . \$1,775,225

**SECTION 3.035.**— To the Department of Higher Education  
 For receiving and expending donations and federal funds provided that the  
 General Assembly shall be notified of the source of any new funds and  
 the purpose for which they shall be expended, in writing, prior to the  
 expenditure of said funds  
 From Federal and Other Funds. . . . . \$2,000,000

**SECTION 3.040.**— To the Department of Higher Education  
 Funds are to be transferred out of the state treasury, chargeable to the General  
 Revenue Fund, to the Academic Scholarship Fund  
 From General Revenue Fund. . . . . \$15,787,000

**SECTION 3.045.**— To the Department of Higher Education  
 For the Higher Education Academic Scholarship Program pursuant to Chapter  
 173, RSMo  
 From Academic Scholarship Fund. . . . . \$15,787,000E

**SECTION 3.050.**— To the Department of Higher Education  
 Funds are to be transferred out of the state treasury, chargeable to the funds  
 listed below, to the Student Grant Fund  
 From General Revenue Fund. . . . . \$15,578,436

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From Federal Funds . . . . .	1,000,000E
From Missouri Student Grant Program Gift Fund. . . . .	50,000E
Total. . . . .	<u>\$16,628,436</u>

**SECTION 3.055.**— To the Department of Higher Education

For the Charles E. Gallagher Grants (Student Grants) Program pursuant to  
Chapter 173, RSMo

From Student Grant Fund. . . . .	\$16,628,436E
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**SECTION 3.060.**— To the Department of Higher Education

Funds are to be transferred out of the state treasury, chargeable to the funds  
listed below, to the Missouri College Guarantee Fund

From General Revenue Fund. . . . .	\$425,000
From Lottery Proceeds Fund. . . . .	2,750,000
Total. . . . .	<u>\$3,175,000</u>

**SECTION 3.065.**— To the Department of Higher Education

For the Missouri College Guarantee Program pursuant to Chapter 173, RSMo

From Missouri College Guarantee Fund. . . . .	\$8,385,000E
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**SECTION 3.070.**— To the Department of Higher Education

Funds are to be transferred out of the state treasury, chargeable to the General  
Revenue Fund, to the Advantage Missouri Trust Fund

From General Revenue Fund. . . . .	\$629,000
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**SECTION 3.075.**— To the Department of Higher Education

For the Advantage Missouri Program pursuant to Chapter 173, RSMo

From Advantage Missouri Trust Fund. . . . .	\$629,000
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**SECTION 3.080.**— To the Department of Higher Education

For the Public Service Officer or Employee Survivor Grant Program pursuant  
to Section 173.260, RSMo

From General Revenue Fund. . . . .	\$38,250
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**SECTION 3.085.**— To the Department of Higher Education

For the Vietnam Veterans Survivors Scholarship Program pursuant to Section  
173.235, RSMo

From General Revenue Fund. . . . .	\$10,200
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**SECTION 3.090.**— To the Department of Higher Education

Funds are to be transferred out of the state treasury, chargeable to the General  
Revenue Fund, to the Marguerite Ross Barnett Scholarship Fund

From General Revenue Fund. . . . .	\$425,000
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**SECTION 3.095.**— To the Department of Higher Education

For the Marguerite Ross Barnett Scholarship Program pursuant to Section  
173.262, RSMo

From Marguerite Ross Barnett Scholarship Fund. . . . .	\$425,000E
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**SECTION 3.100.**— To the Department of Higher Education

For the GEAR UP Program

Personal Service. . . . .	\$252,560
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Expense and Equipment . . . . .	554,480
Federal Education Programs . . . . .	<u>697,572</u>
From Federal Funds . . . . .	1,504,612

For scholarships	
From GEAR UP Scholarship Fund. . . . .	<u>200,000E</u>
Total (Not to exceed 6.50 F.T.E.) . . . . .	\$1,704,612

**SECTION 3.105.**— To the Department of Higher Education

For the Missouri Guaranteed Student Loan Program

Personal Service. . . . .	\$2,138,935
Expense and Equipment . . . . .	8,167,406
Payment of fees for collection of defaulted loans . . . . .	4,000,000E
Payment of penalties to the federal government associated with late deposit of default collections. . . . .	<u>1,000,000</u>
From Guaranty Agency Operating Fund. . . . .	15,306,341

Personal Service. . . . .	87,920
Expense and Equipment. . . . .	<u>2,612,500</u>
From U.S. Department of Education/Coordinating Board for Higher Education P.L. 105-33 interest account. . . . .	<u>2,700,420</u>
Total (Not to exceed 59.33 F.T.E.) . . . . .	\$18,006,761

**SECTION 3.110.**— To the Department of Higher Education

For the E-Government Initiative

Personal Service. . . . .	\$371,000
Expense and Equipment . . . . .	<u>114,400</u>
From Guaranty Agency Operating Fund (Not to exceed 6.00 F.T.E.). . . . .	\$485,400

**SECTION 3.115.**— To the Department of Higher Education

Funds are to be transferred out of the state treasury, chargeable to the Federal

Student Loan Reserve Fund, to the Guaranty Agency Operating Fund

From Federal Student Loan Reserve Fund. . . . .	\$8,000,000E
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**SECTION 3.120.**— To the Department of Higher Education

For purchase of defaulted loans, payment of default aversion fees, reimbursement to the federal government, and investment of funds in the Federal Student Loan Reserve Fund

From Federal Student Loan Reserve Fund. . . . .	\$85,000,000
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**SECTION 3.125.**— To the Department of Higher Education

For payment of refunds set off against debt as required by Section 143.786, RSMo

From Debt Offset Escrow Fund. . . . .	\$750,000E
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**SECTION 3.130.**— To the Department of Higher Education

Funds are to be transferred out of the state treasury, chargeable to the Guaranty Agency Operating Fund, to the Federal Student Loan Reserve Fund

From Guaranty Agency Operating Fund. . . . .	\$2,000,001E
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**SECTION 3.135.**— To the Department of Higher Education

For distribution to community colleges as provided in Section 163.191, RSMo

From General Revenue Fund. . . . . \$85,821,217  
 From Lottery Proceeds Fund . . . . . 5,564,239

For program improvements in workforce preparation with the emphasis to  
 provide education and training at community colleges for unemployed and  
 under-employed citizens

From General Revenue Fund. . . . . 1,605,600

For selected out-of-district courses

From General Revenue Fund. . . . . 1,148,458

For workforce preparation projects

From General Revenue Fund. . . . . 14,580,036

From Lottery Proceeds Fund . . . . . 1,332,353

For Regional Technical Education Initiatives

From General Revenue Fund. . . . . 19,969,650

Total (0 F.T.E.). . . . . \$130,021,553

**SECTION 3.140.**— To the Department of Higher Education

For community colleges

For the payment of refunds set off against debt as required by Section  
 143.786, RSMo

From Debt Offset Escrow Fund. . . . . \$250,000E

**SECTION 3.145.**— To Linn State Technical College

All Expenditures

From General Revenue Fund. . . . . \$4,013,359

From Lottery Proceeds Fund . . . . . 420,528

For the payment of refunds set off against debt as required by Section  
 143.786, RSMo

From Debt Offset Escrow Fund. . . . . 30,000E

Total. . . . . \$4,463,887

**SECTION 3.150.**— To Central Missouri State University

All Expenditures

From General Revenue Fund. . . . . \$47,581,763

From Lottery Proceeds Fund . . . . . 4,985,715

For the payment of refunds set off against debt as required by Section  
 143.786, RSMo

From Debt Offset Escrow Fund. . . . . 75,000E

Total. . . . . \$52,642,478

**SECTION 3.155.**— To Southeast Missouri State University

All Expenditures

From General Revenue Fund. . . . . \$38,746,088

From Lottery Proceeds Fund . . . . . 4,059,895

For the payment of refunds set off against debt as required by Section  
 143.786, RSMo

From Debt Offset Escrow Fund. . . . . 75,000E

Total. . . . . \$42,880,983

**SECTION 3.160.**— To Southwest Missouri State University

All Expenditures

From General Revenue Fund. . . . . \$70,556,784

From Lottery Proceeds Fund . . . . . 7,200,409

For the payment of refunds set off against debt as required by Section 143.786,

RSMo

From Debt Offset Escrow Fund. . . . . 75,000E

Total. . . . . \$77,832,193

**SECTION 3.165.**— To Lincoln University

All Expenditures

From General Revenue Fund. . . . . \$14,809,240

From Lottery Proceeds Fund . . . . . 1,551,205

For the payment of refunds set off against debt as required by Section 143.786,

RSMo

From Debt Offset Escrow Fund. . . . . 75,000E

Total. . . . . \$16,435,445

**SECTION 3.170.**— To Truman State University

All Expenditures

From General Revenue Fund. . . . . \$36,037,739

From Lottery Proceeds Fund . . . . . 3,776,109

For the payment of refunds set off against debt as required by Section 143.786,

RSMo

From Debt Offset Escrow Fund. . . . . 75,000E

Total. . . . . \$39,888,848

**SECTION 3.175.**— To Northwest Missouri State University

All Expenditures

From General Revenue Fund. . . . . \$26,567,514

From Lottery Proceeds Fund . . . . . 2,599,805

For the payment of refunds set off against debt as required by Section 143.786,

RSMo

From Debt Offset Escrow Fund. . . . . 75,000E

Total. . . . . \$29,242,319

**SECTION 3.180.**— To Missouri Southern State College

All Expenditures

From General Revenue Fund. . . . . \$18,650,971

From Lottery Proceeds Fund . . . . . 1,722,820

For the payment of refunds set off against debt as required by Section 143.786,

RSMo

From Debt Offset Escrow Fund. . . . . 75,000E

Total. . . . . \$20,448,791

**SECTION 3.185.**— To Missouri Western State College

## All Expenditures

From General Revenue Fund. . . . .	\$18,316,664
From Lottery Proceeds Fund . . . . .	1,768,039

For the payment of refunds set off against debt as required by Section 143.786,

## RSMo

From Debt Offset Escrow Fund. . . . .	75,000E
Total. . . . .	\$20,159,703

**SECTION 3.190.**— To Harris-Stowe State College

## All Expenditures

From General Revenue Fund. . . . .	\$8,672,328
From Lottery Proceeds Fund . . . . .	908,704

For the payment of refunds set off against debt as required by Section 143.786,

## RSMo

From Debt Offset Escrow Fund. . . . .	75,000E
Total. . . . .	\$9,656,032

**SECTION 3.195.**— To the University of Missouri

For operation of its various campuses and programs

## All Expenditures

From General Revenue Fund. . . . .	\$351,869,336
From Lottery Proceeds Fund . . . . .	36,869,596

For the payment of refunds set off against debt as required by Section 143.786,

## RSMo

From Debt Offset Escrow Fund. . . . .	200,000E
Total. . . . .	\$388,938,932

**SECTION 3.200.**— To the University of Missouri

For the Missouri Bibliographic and Information User System (MOBIUS)

## All Expenditures

From General Revenue Fund. . . . .	\$649,539
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**SECTION 3.205.**— To the University of Missouri

For the Missouri Research and Education Network (MOREnet)

## All Expenditures

From General Revenue Fund. . . . .	\$15,004,401
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**SECTION 3.210.**— To the University of Missouri

For the University of Missouri Hospital and Clinics

## All Expenditures

From General Revenue Fund. . . . .	\$8,911,671
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**SECTION 3.215.**— To the University of Missouri

For the Ellis Fischel Cancer Center

## All Expenditures

From General Revenue Fund. . . . .	\$4,223,786
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**SECTION 3.220.**— To the University of Missouri

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For the Missouri Rehabilitation Center  
 All Expenditures  
 From General Revenue Fund. . . . . \$10,116,691

**SECTION 3.225.** — To the University of Missouri  
 For Alzheimer's disease research  
 All Expenditures  
 From General Revenue Fund. . . . . \$227,375

**SECTION 3.230.** — To the University of Missouri  
 For a program of research into spinal cord injuries  
 All Expenditures  
 From Spinal Cord Injury Fund. . . . . \$375,000

**SECTION 3.235.** — To the University of Missouri  
 For the Missouri Institute of Mental Health  
 All Expenditures  
 From General Revenue Fund. . . . . \$2,299,850

**SECTION 3.240.** — To the University of Missouri  
 For the treatment of renal disease in a statewide program  
 All Expenditures  
 From General Revenue Fund. . . . . \$4,016,774

**SECTION 3.245.** — To the University of Missouri  
 For the State Historical Society  
 All Expenditures  
 From General Revenue Fund. . . . . \$922,601

**SECTION 3.250.** — To the Board of Curators of the University of Missouri  
 For investment in registered federal, state, county, municipal, or school district  
 bonds as provided by law  
 From State Seminary Fund. . . . . \$1,500,000

**SECTION 3.255.** — To the Board of Curators of the University of Missouri  
 For the use of the University of Missouri  
 From State Seminary Moneys Fund, Income from Investments. . . . . \$250,000

**BILL TOTALS**

General Revenue Fund. . . . .	\$839,518,558
Federal Funds. . . . .	6,690,637
Other Funds. . . . .	181,476,578
Total. . . . .	<u>\$1,027,685,773</u>

Disapproved June 19, 2003

\*This bill reduces state aid to Missouri's two- and four-year colleges and universities to unacceptable levels. Under this bill, tuition and fees would increase, forcing a "tax increase" on low- and middle-income families. The reductions to various grant and scholarship programs will further reduce the availability of higher education opportunities. Families with lower and middle incomes may no longer be able to afford the cost of college.

BOB HOLDEN, Governor

## HB 10 [CCS SCS HCS HB 10]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Missouri Senior Rx Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2003 and ending June 30, 2004, as follows:

**SECTION 10.005.** — To the Department of Mental Health

For the Office of the Director

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund. . . . . \$925,129

Personal Service. . . . . 60,935

Expense and Equipment. . . . . 79,285

From Federal Funds. . . . . 140,220

Total (Not to exceed 17.36 F.T.E.). . . . . \$1,065,349

**SECTION 10.010.** — To the Department of Mental Health

For the Office of the Director

For funding program operations and support

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund. . . . . \$5,567,453

Personal Service. . . . . 390,314

Expense and Equipment. . . . . 584,416

From Federal Funds. . . . . 974,730

Total (Not to exceed 122.63 F.T.E.). . . . . \$6,542,183

**SECTION 10.015.** — To the Department of Mental Health

For the Office of the Director

For the purpose of funding the Office of Information Systems

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund. . . . . \$5,819,888

Personal Service. . . . . 41,240

Expense and Equipment. . . . . 2,006,691

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From Federal Funds . . . . . 2,047,931

Expense and Equipment  
 From Mental Health Interagency Payments Fund. . . . . 2,800,000  
 Total (Not to exceed 77.40 F.T.E.). . . . . \$10,667,819

**SECTION 10.020.**— To the Department of Mental Health

For the Office of the Director

For the purpose of funding insurance, private pay, licensure fee, and/or Medicaid  
 refunds by state facilities operated by the Department of Mental Health

From General Revenue Fund (0 F.T.E.). . . . . \$50,000

For the payment of refunds set off against debts as required by Section 143.786,  
 RSMo

From Debt Offset Escrow Fund . . . . . 70,000E  
 Total (0 F.T.E.). . . . . \$120,000

**SECTION 10.025.**— There is transferred out of the State Treasury, chargeable  
 to the Abandoned Fund, Fifty Thousand Dollars (\$50,000) to the Mental  
 Health Trust Fund

From Abandoned Fund (0 F.T.E.). . . . . \$50,000E

**SECTION 10.030.**— To the Department of Mental Health

For the Office of the Director

For the purpose of funding receipt and disbursement of donations and gifts which  
 may become available to the Department of Mental Health during the year  
 (excluding federal grants and funds)

Personal Service. . . . . \$736,165  
 Expense and Equipment . . . . . 1,283,486  
 From Mental Health Trust Fund (Not to exceed 6.00 F.T.E.). . . . . \$2,019,651

**SECTION 10.035.**— To the Department of Mental Health

For the Office of the Director

For the purpose of funding operational maintenance and repairs for state-owned  
 facilities

Expense and Equipment  
 From Facilities Maintenance Reserve Fund (0 F.T.E.). . . . . \$1,197,230

**SECTION 10.040.**— To the Department of Mental Health

For the Office of the Director

For the purpose of funding federal grants which become available between  
 sessions of the General Assembly

Personal Service. . . . . \$100,000  
 Expense and Equipment . . . . . 1,800,000  
 From Federal Funds (Not to exceed 2.00 F.T.E.). . . . . \$1,900,000

**SECTION 10.045.**— To the Department of Mental Health

For the Office of the Director

For the purpose of funding work therapy for client workers at state agencies

Personal Service. . . . . \$80,519  
 Expense and Equipment. . . . . 600  
 From Mental Health Interagency Payments Fund (Not to exceed 4.00 F.T.E.). . . . \$81,119

**SECTION 10.050.**— To the Department of Mental Health

For Medicaid payments related to intergovernmental payments	
From Mental Health Intergovernmental Transfer Fund. . . . .	\$10,000,000
From Federal Funds . . . . .	<u>15,000,000</u>
Total (0 F.T.E.). . . . .	\$25,000,000

**SECTION 10.055.**— There is transferred out of the State Treasury, chargeable

to the General Revenue Reimbursements Fund, Two Million, Seven Hundred  
Thousand Dollars (\$2,700,000) to the General Revenue Fund

From General Revenue Reimbursements Fund (0 F.T.E.). . . . .	\$2,700,000
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**SECTION 10.060.**— There is transferred out of the State Treasury, chargeable

to Federal Funds, Nineteen Million, Eight Hundred Eleven Thousand,  
Eight Hundred Dollars (\$19,811,800) to the General Revenue Fund

From Federal Funds (0 F.T.E.). . . . .	\$19,811,800
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**SECTION 10.105.**— To the Department of Mental Health

For the Division of Alcohol and Drug Abuse

For the purpose of funding the administration of statewide comprehensive  
alcohol and drug abuse prevention and treatment programs

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund. . . . .	\$1,231,015
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Personal Service. . . . .	859,155
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Expense and Equipment. . . . .	<u>599,868</u>
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From Federal Funds . . . . .	1,459,023
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Personal Service. . . . .	206,091
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Expense and Equipment. . . . .	<u>51,204</u>
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From Health Initiatives Fund . . . . .	257,295
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Personal Service. . . . .	89,210
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Expense and Equipment. . . . .	<u>52,372</u>
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From Mental Health Earnings Fund . . . . .	141,582
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For statewide needs assessments

From Federal Funds. . . . .	<u>400,000</u>
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Total (Not to exceed 58.72 F.T.E.). . . . .	\$3,488,915
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**SECTION 10.110.**— To the Department of Mental Health

For the Division of Alcohol and Drug Abuse

For the purpose of funding prevention and education services

Personal Service

From General Revenue Fund. . . . .	\$7,485
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For prevention and education services. . . . .	6,968,264
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Personal Service. . . . .	229,841
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Expense and Equipment. . . . .	<u>725,631</u>
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From Federal Funds . . . . .	7,923,736
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For prevention and education services

From Healthy Families Trust Fund-Tobacco Prevention Account . . . . . 300,000

For tobacco retailer education

Provided that no person under the age of eighteen shall be used as either  
an employee or a volunteer for the purposes of enforcement of tobacco laws

Personal Service. . . . . 222,606

Expense and Equipment. . . . . 103,622

From Federal Funds . . . . . 326,228

For the purpose of funding the Kids Beat Program

Expense and Equipment

From Federal Funds . . . . . 119,000

For a state incentive program and a community high-risk youth program

Personal Service. . . . . 178,588

Expense and Equipment. . . . . 3,084,029

From Federal Funds . . . . . 3,262,617

For Community 2000 Team programs

From General Revenue Fund. . . . . 29,997

From Federal Funds . . . . . 2,059,693

For school-based alcohol and drug abuse prevention programs

From General Revenue Fund. . . . . 435,540

From Federal Funds. . . . . 641,195

Total (Not to exceed 16.20 F.T.E.). . . . . \$15,105,491

**SECTION 10.115.**— To the Department of Mental Health

For the Division of Alcohol and Drug Abuse

For the purpose of funding the treatment of alcohol and drug abuse

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund. . . . . \$4,354,445

For system enhancement of youth services

Personal Service. . . . . 16,267

Expense and Equipment. . . . . 731,802

From Federal Funds . . . . . 748,069

For treatment of alcohol and drug abuse

From General Revenue Fund. . . . . 17,612,133

For treatment of alcohol and drug abuse. . . . . 44,073,314E

Personal Service. . . . . 668,932

Expense and Equipment. . . . . 425,082

From Federal Funds . . . . . 45,167,328

For treatment of alcohol and drug abuse

From Healthy Families Trust Fund-Health Care Account . . . . . 2,077,681

From Health Initiatives Fund. . . . . 5,585,388

Total (Not to exceed 69.13 F.T.E.). . . . . \$75,545,044

**SECTION 10.120.**— To the Department of Mental Health

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For the Division of Alcohol and Drug Abuse  
 For the purpose of funding treatment of compulsive gambling..... \$412,798  
     Personal Service..... 34,996  
     Expense and Equipment..... 5,194  
 From Compulsive Gamblers Fund (Not to exceed 1.00 F.T.E.). . . . . \$452,988

**SECTION 10.125.**— To the Department of Mental Health

For the Division of Alcohol and Drug Abuse  
 For the purpose of funding the Substance Abuse Traffic Offender Program  
 From Federal Funds. . . . . \$407,458  
 From Mental Health Earnings Fund . . . . . 3,570,018E  
 Total (0 F.T.E.). . . . . \$3,977,476

**SECTION 10.205.**— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services  
 For the purpose of funding division administration  
     Personal Service and/or Expense and Equipment, provided that not more  
     than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund. . . . . \$1,077,467  
  
     Personal Service..... 420,254  
     Expense and Equipment..... 174,311  
 From Federal Funds . . . . . 594,565

For the minority health and aging program  
     Expense and Equipment  
 From Federal Funds . . . . . 7,000

For suicide prevention initiatives  
     Expense and Equipment  
 From Federal Funds. . . . . 150,000  
 Total (Not to exceed 33.58 F.T.E.). . . . . \$1,829,032

**SECTION 10.210.**— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services  
 For the purpose of funding adult community programs  
     Personal Service and/or Expense and Equipment, provided that not more  
     than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund. . . . . \$3,728,441

    Personal Service..... 190,669  
     Expense and Equipment..... 2,463,133  
 From Federal Funds . . . . . 2,653,802

For the purpose of funding adult community programs provided that up to ten  
 percent of this appropriation may be used for services for youth  
 From General Revenue Fund. . . . . 64,720,319  
 From Federal Funds . . . . . 72,786,777E

For adult community programs  
 From payments by the Department of Social Services for supported community  
     living for Comprehensive Psychiatric Services clients in lieu of

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Supplemental Nursing Care payments  
 From Mental Health Interagency Payments Fund . . . . . 250,000

For adult community programs  
 From Health Initiatives Fund. . . . . 20,624  
 Total (Not to exceed 12.96 F.T.E.). . . . . \$144,159,963

**SECTION 10.220.**— To the Department of Mental Health  
 For the Division of Comprehensive Psychiatric Services  
 For the purpose of reimbursing attorneys, physicians, and counties for  
   fees in involuntary civil commitment procedures. . . . . \$950,000E

For distribution through the Office of Administration to counties pursuant  
   to Section 56.700, RSMo. . . . . 150,000  
 From General Revenue Fund (0 F.T.E.). . . . . \$1,100,000

**SECTION 10.225.**— To the Department of Mental Health  
 For the Division of Comprehensive Psychiatric Services  
 For the purpose of funding programs for the homeless mentally ill  
 From General Revenue Fund. . . . . \$851,392

For programs for the homeless mentally ill . . . . . 3,842,992  
   Expense and Equipment. . . . . 118,400  
 From Federal Funds. . . . . 3,961,392  
 Total (0 F.T.E.). . . . . \$4,812,784

**SECTION 10.230.**— To the Department of Mental Health  
 For the Division of Comprehensive Psychiatric Services  
 For the purpose of funding forensic support services  
   Personal Service and/or Expense and Equipment, provided that not more  
   than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund (Not to exceed 17.39 F.T.E.). . . . . \$754,161

**SECTION 10.235.**— To the Department of Mental Health  
 For the Division of Comprehensive Psychiatric Services  
 For the purpose of funding youth community programs  
   Personal Service and/or Expense and Equipment, provided that not more  
   than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund. . . . . \$2,119,837

  Personal Service. . . . . 165,605  
   Expense and Equipment. . . . . 1,168,101  
 From Federal Funds . . . . . 1,333,706

For the purpose of funding youth community programs, provided that up to ten  
   percent of this appropriation may be used for services for adults  
 From General Revenue Fund. . . . . 19,873,280  
 From Federal Funds . . . . . 17,864,151E

For youth community programs  
 From Health Initiatives Fund. . . . . 98,888  
 Total (Not to exceed 11.97 F.T.E.). . . . . \$41,289,862

**SECTION 10.240.**— To the Department of Mental Health  
 For the Division of Comprehensive Psychiatric Services  
 For the purpose of funding services for children who are clients of the  
   Department of Social Services  
     Personal Service. . . . . \$615,922  
     Expense and Equipment . . . . . 100,200  
 From Mental Health Interagency Payments Fund (Not to exceed 18.00 F.T.E.).. \$716,122

**SECTION 10.245.**— To the Department of Mental Health  
 For the Division of Comprehensive Psychiatric Services  
 For the purpose of funding fuel and utility expenses at state facilities operated  
   by the Division of Comprehensive Psychiatric Services, provided that up to  
   three percent of this appropriation may be used for facilities operated by the  
   Division of Mental Retardation and Developmental Disabilities  
     Expense and Equipment  
 From General Revenue Fund (0 F.T.E.). . . . . \$5,019,420

**SECTION 10.250.**— To the Department of Mental Health  
 For the Division of Comprehensive Psychiatric Services  
 For the purchase and administration of new medication therapies  
     Expense and Equipment  
 From General Revenue Fund. . . . . \$9,080,488  
 From Federal Funds. . . . . 916,243  
 Total (0 F.T.E.).. \$9,996,731

**SECTION 10.255.**— To the Department of Mental Health  
 For the Division of Comprehensive Psychiatric Services  
 For the purpose of funding costs for forensic clients resulting from loss of  
   benefits under provisions of the Social Security Domestic Employment  
   Reform Act of 1994  
     Expense and Equipment  
 From General Revenue Fund (0 F.T.E.). . . . . \$500,000

**SECTION 10.260.**— To the Department of Mental Health  
 For the Division of Comprehensive Psychiatric Services  
 For the purpose of funding Fulton State Hospital  
     Personal Service and/or Expense and Equipment, provided that not more  
     than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund. . . . . \$43,567,363

For the provision of support services to other agencies  
     Expense and Equipment  
 From Mental Health Interagency Payments Fund. . . . . 425,000  
 Total (Not to exceed 1,352.34 F.T.E.). . . . . \$43,992,363

**SECTION 10.265.**— To the Department of Mental Health  
 For the Division of Comprehensive Psychiatric Services  
 For the purpose of funding Northwest Missouri Psychiatric Rehabilitation Center  
     Personal Service and/or Expense and Equipment, provided that not more  
     than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund. . . . . \$12,035,212

Personal Service  
From Federal Funds ..... 441,316

For psychiatric services  
From Mental Health Trust Fund. .... 400,840  
Total (Not to exceed 381.92 F.T.E.)..... \$12,877,368

**SECTION 10.270.**— To the Department of Mental Health  
For the Division of Comprehensive Psychiatric Services  
For the purpose of funding St. Louis Psychiatric Rehabilitation Center  
Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation  
From General Revenue Fund..... \$19,436,039

Personal Service  
From Federal Funds. .... 176,945  
Total (Not to exceed 608.06 F.T.E.)..... \$19,612,984

**SECTION 10.275.**— To the Department of Mental Health  
For the Division of Comprehensive Psychiatric Services  
For the purpose of funding Southwest Missouri Psychiatric Rehabilitation  
Center  
Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation  
From General Revenue Fund (Not to exceed 108.67 F.T.E.).. . . . \$3,544,329

**SECTION 10.280.**— To the Department of Mental Health  
For the Division of Comprehensive Psychiatric Services  
For the purpose of funding Cottonwood Residential Treatment Center  
Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation  
From General Revenue Fund (Not to exceed 83.75 F.T.E.). . . . . \$2,268,114

**SECTION 10.285.**— To the Department of Mental Health  
For the Division of Comprehensive Psychiatric Services  
For the purpose of funding Hawthorn Children's Psychiatric Hospital  
Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation  
From General Revenue Fund..... \$6,493,845

Personal Service. .... 1,266,912  
Expense and Equipment..... 78,684  
From Federal Funds ..... 1,345,596  
Total (Not to exceed 239.52 F.T.E.)..... \$7,839,441

**SECTION 10.290.**— To the Department of Mental Health  
For the Division of Comprehensive Psychiatric Services  
For the purpose of funding Metropolitan St. Louis Psychiatric Center  
Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation  
From General Revenue Fund..... \$13,848,128

Personal Service	
From Federal Funds. . . . .	159,909
Total (Not to exceed 373.13 F.T.E.). . . . .	<u>\$14,008,037</u>

**SECTION 10.295.**— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding Mid-Missouri Mental Health Center

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund. . . . . \$7,430,761

Personal Service	
From Federal Funds . . . . .	286,076

For services for children and youth

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund. . . . . 1,791,737Total (Not to exceed 239.20 F.T.E.). . . . . \$9,508,574**SECTION 10.300.**— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding Southeast Missouri Mental Health Center

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 541.22 F.T.E.). . . . . \$17,069,898

**SECTION 10.305.**— To the Board of Public Buildings

For the Department of Mental Health

For operation and maintenance of the Southeast Missouri Mental Health Center

Expense and Equipment

From General Revenue Fund (0 F.T.E.). . . . . \$129,322

**SECTION 10.310.**— To the Department of Mental Health

For the Division of Comprehensive Psychiatric Services

For the purpose of funding Western Missouri Mental Health Center

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund. . . . . \$20,263,034

For the Western Missouri Mental Health Center and/or contracting for children's services in the Northwest Region

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund. . . . . 957,663

Personal Service. . . . .	307,979
Expense and Equipment. . . . .	<u>37,891</u>
From Federal Funds. . . . .	<u>345,870</u>
Total (Not to exceed 629.91 F.T.E.). . . . .	<u>\$21,566,567</u>

**SECTION 10.315.**— To the Department of Mental Health

For the purpose of funding the Missouri Sexual Offender Treatment Center  
 Personal Service and/or Expense and Equipment, provided that not more  
 than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund (Not to exceed 153.68 F.T.E.) . . . . . \$5,581,512

**SECTION 10.405.**— To the Department of Mental Health

For the Division of Mental Retardation-Developmental Disabilities

For the purpose of funding division administration

Personal Service and/or Expense and Equipment, provided that not more  
 than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$1,044,729

Personal Service. . . . .	50,922
Expense and Equipment. . . . .	7,195
From Federal Funds. . . . .	58,117
Total (Not to exceed 20.32 F.T.E.) . . . . .	\$1,102,846

**SECTION 10.410.**— To the Department of Mental Health

For the Division of Mental Retardation-Developmental Disabilities

Provided that residential services for non-Medicaid eligibles shall not be  
 reduced below the prior year expenditure as long as the person is evaluated  
 to need the services

For the purpose of funding programs and in-home family directed services for  
 persons with autism and their families. \$200,000 shall be contracted to an  
 outside provider to supply community based autism research and services  
 in Southeast Missouri concentrating on work force transition skills,  
 independent living skills and maximization of giftedness within the  
 autistic population

For the purpose of funding community programs

From General Revenue Fund . . . . . \$72,667,791

From Federal Funds . . . . . 159,260,657E

From General Revenue Reimbursements Fund . . . . . 4,544,329

For consumer and family directed supports/in-home services/choices for families

From General Revenue Fund . . . . . 16,661,024

For the purpose of funding programs and in-home family directed services for  
 persons with autism and their families

From General Revenue Fund . . . . . 3,188,143

For services for children in the custody of the Department of Social Services

From Mental Health Interagency Payments Fund . . . . . 2,049,857

For SB 40 Board tax funds to be used as match for Medicaid initiatives for  
 clients of the Division

From Mental Health Trust Fund. . . . . 5,852,732E

Total (0 F.T.E.). . . . . \$264,224,533

**SECTION 10.415.**— To the Department of Mental Health

For the Division of Mental Retardation-Developmental Disabilities

For the purpose of funding family support loans pursuant to Section

633.185, RSMo

From Family Support Loan Fund (0 F.T.E.) . . . . . \$291,305

**SECTION 10.420.**— To the Department of Mental Health

For the Division of Mental Retardation-Developmental Disabilities

For the purpose of funding community support staff

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund. . . . . \$2,477,706

Personal Service. . . . . 9,515,970

Expense and Equipment . . . . . 1,224,901

Purchase of Community Services. . . . . 20,448,660E

From Federal Funds. . . . . 31,189,531

Total (Not to exceed 295.31 F.T.E.). . . . . \$33,667,237

**SECTION 10.430.**— To the Department of Mental Health

For the Division of Mental Retardation-Developmental Disabilities

For the purpose of funding developmental disabilities services

Personal Service. . . . . \$328,041

Expense and Equipment . . . . . 1,187,593

From Federal Funds (Not to exceed 7.98 F.T.E.). . . . . \$1,515,634

**SECTION 10.435.**— To the Department of Mental Health

For the Division of Mental Retardation-Developmental Disabilities

For the purpose of funding the Albany Regional Center

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 37.45 F.T.E.). . . . . \$1,423,835

**SECTION 10.440.**— To the Department of Mental Health

For the Division of Mental Retardation-Developmental Disabilities

For the purpose of funding the Central Missouri Regional Center

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 47.88 F.T.E.). . . . . \$1,591,546

**SECTION 10.445.**— To the Department of Mental Health

For the Division of Mental Retardation-Developmental Disabilities

For the purpose of funding the Hannibal Regional Center

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 46.21 F.T.E.). . . . . \$1,827,066

**SECTION 10.450.**— To the Department of Mental Health

For the Division of Mental Retardation-Developmental Disabilities

For the purpose of funding the Joplin Regional Center

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 48.56 F.T.E.). . . . . \$1,892,943

**SECTION 10.455.**— To the Department of Mental Health

For the Division of Mental Retardation-Developmental Disabilities

For the purpose of funding the Kansas City Regional Center  
Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation  
From General Revenue Fund..... \$2,529,017

Expense and Equipment  
From Federal Funds. .... 5,595  
Total (Not to exceed 66.93 F.T.E.)..... \$2,534,612

**SECTION 10.460.**— To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding the Kirksville Regional Center  
Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation  
From General Revenue Fund (Not to exceed 33.55 F.T.E.). .... \$1,306,578

**SECTION 10.465.**— To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding the Poplar Bluff Regional Center  
Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation  
From General Revenue Fund (Not to exceed 39.58 F.T.E.). .... \$1,538,852

**SECTION 10.470.**— To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding the Rolla Regional Center  
Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation  
From General Revenue Fund (Not to exceed 46.38 F.T.E.). .... \$1,595,524

**SECTION 10.475.**— To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding the Sikeston Regional Center  
Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation  
From General Revenue Fund..... \$1,495,824

Expense and Equipment  
From Federal Funds. .... 5,595  
Total (Not to exceed 40.04 F.T.E.)..... \$1,501,419

**SECTION 10.480.**— To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding the Springfield Regional Center  
Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation  
From General Revenue Fund (Not to exceed 56.23 F.T.E.). .... \$2,155,307

**SECTION 10.485.**— To the Department of Mental Health  
For the Division of Mental Retardation-Developmental Disabilities  
For the purpose of funding the St. Louis Regional Center  
Personal Service and/or Expense and Equipment, provided that not more

than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund. . . . . \$4,189,751

Expense and Equipment  
 From Federal Funds. . . . . 11,190  
 Total (Not to exceed 123.27 F.T.E.). . . . . \$4,200,941

**SECTION 10.490.**— To the Department of Mental Health  
 For the Division of Mental Retardation-Developmental Disabilities  
 For the purpose of funding fuel and utility expenses at state facilities operated  
 by the Division of Mental Retardation- Developmental Disabilities, provided  
 that up to three percent of this appropriation may be used for facilities  
 operated by the Division of Comprehensive Psychiatric Services  
 Expense and Equipment  
 From General Revenue Fund (0 F.T.E.). . . . . \$3,075,586

**SECTION 10.495.**— To the Department of Mental Health  
 For the Division of Mental Retardation-Developmental Disabilities  
 For the purpose of funding the Bellefontaine Habilitation Center  
 Personal Service, Expense and Equipment, and/or purchase of community  
 services, provided that not more than fifteen percent (15%) flexibility is  
 allowed between each appropriation  
 From General Revenue Fund. . . . . \$23,037,202  
 From Federal Funds. . . . . 1,818,985  
 Total (Not to exceed 961.69 F.T.E.). . . . . \$24,856,187

**SECTION 10.500.**— To the Department of Mental Health  
 For the Division of Mental Retardation-Developmental Disabilities  
 For the purpose of funding the Higginsville Habilitation Center  
 Personal Service, Expense and Equipment, and/or purchase of community  
 services, provided that not more than fifteen percent (15%) flexibility is  
 allowed between each appropriation  
 From General Revenue Fund. . . . . \$9,540,363  
 From Federal Funds . . . . . 253,082

For Northwest Community Services  
 Personal Service, Expense and Equipment, and/or purchase of community  
 services, provided that not more than fifteen percent (15%) flexibility is  
 allowed between each appropriation  
 From General Revenue Fund. . . . . 2,298,857  
 From Federal Funds . . . . . 682,177  
 Total (Not to exceed 504.51 F.T.E.). . . . . \$12,774,479

**SECTION 10.505.**— To the Department of Mental Health  
 For the Division of Mental Retardation-Developmental Disabilities  
 For the purpose of funding the Marshall Habilitation Center  
 Personal Service, Expense and Equipment, and/or purchase of community  
 services, provided that not more than fifteen percent (15%) flexibility is  
 allowed between each appropriation  
 From General Revenue Fund. . . . . \$21,136,096  
 From Federal Funds. . . . . 1,993,903  
 Total (Not to exceed 933.40 F.T.E.). . . . . \$23,129,999

**SECTION 10.510.**— To the Department of Mental Health  
 For the Division of Mental Retardation-Developmental Disabilities  
 For the purpose of funding Nevada Habilitation Center  
     Personal Service, Expense and Equipment, and/or purchase of community  
     services, provided that not more than fifteen percent (15%) flexibility is  
     allowed between each appropriation  
 From General Revenue Fund (Not to exceed 343.25 F.T.E.) . . . . . \$9,896,201

**SECTION 10.515.**— To the Department of Mental Health  
 For the Division of Mental Retardation-Developmental Disabilities  
 For the purpose of funding the St. Louis Developmental Disabilities Treatment  
 Center  
     Personal Service, Expense and Equipment, and/or purchase of community  
     services, provided that not more than fifteen percent (15%) flexibility is  
     allowed between each appropriation  
 From General Revenue Fund . . . . . \$17,697,854  
 From Federal Funds . . . . . 1,328,518  
 Total (Not to exceed 741.96 F.T.E.) . . . . . \$19,026,372

**SECTION 10.520.**— To the Board of Public Buildings  
 For the operation and maintenance of St. Louis Developmental Disabilities  
 Treatment Center improvements  
     Expense and Equipment  
 From General Revenue Fund (0 F.T.E.) . . . . . \$84,861

**SECTION 10.525.**— To the Department of Mental Health  
 For the Division of Mental Retardation-Developmental Disabilities  
 For the purpose of funding Southeast Missouri Residential Services  
 From General Revenue Fund . . . . . \$6,008,615  
 From Federal Funds . . . . . 109,462  
 Total (Not to exceed 235.24 F.T.E.) . . . . . \$6,118,077

**SECTION 10.600.**— To the Department of Health and Senior Services  
 For the Office of the Director  
 For the purpose of funding program operations and support  
     Personal Service and/or Expense and Equipment, provided that not more  
     than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund . . . . . \$1,977,232  
  
     Personal Service . . . . . 2,153,502  
     Expense and Equipment . . . . . 688,703  
 From Federal Funds . . . . . 2,842,205

For the Office of Minority Health  
     Personal Service and/or Expense and Equipment, provided that not more  
     than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund . . . . . 539,630  
  
     Personal Service . . . . . 63,538  
     Expense and Equipment . . . . . 112,409  
 From Federal Funds . . . . . 175,947

For Minority Health and Aging

Expense and Equipment and the Purchase of Services	
From General Revenue Fund. . . . .	165,707
From Federal Funds. . . . .	<u>106,904</u>
Total (Not to exceed 108.36 F.T.E.). . . . .	\$5,807,625

**SECTION 10.605.**— To the Department of Health and Senior Services

For the Office of Director

For the purpose of funding the State Public Health Laboratory

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation	
From General Revenue Fund. . . . .	\$3,584,157

Personal Service. . . . .	1,007,202
Expense and Equipment. . . . .	<u>1,923,737</u>
From Federal Funds . . . . .	2,930,939

Personal Service. . . . .	725,099
Expense and Equipment. . . . .	<u>1,479,300</u>
From Missouri Public Health Services Fund. . . . .	<u>2,204,399</u>
Total (Not to exceed 113.47 F.T.E.). . . . .	\$8,719,495

**SECTION 10.610.**— To the Department of Health and Senior Services

For the Division of Administration

For the purpose of funding program operations and support

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation	
From General Revenue Fund. . . . .	\$1,103,619

Personal Service. . . . .	1,906,279
Expense and Equipment .. . . .	<u>3,968,779</u>
From Federal Funds . . . . .	5,875,058

Expense and Equipment	
From Nursing Facility Quality of Care Fund . . . . .	9,723

Personal Service. . . . .	118,047
Expense and Equipment. . . . .	<u>419,280</u>
From Missouri Public Health Services Fund. . . . .	537,327

Expense and Equipment	
From Health Access Incentive Fund. . . . .	7,000
From Department of Health Document Services Fund . . . . .	225,000
From Workers' Compensation Fund. . . . .	<u>8,000</u>
Total (Not to exceed 77.12 F.T.E.). . . . .	\$7,765,727

**SECTION 10.615.**— To the Department of Health and Senior Services

For the Office of Director

For the purpose of funding federal grants which may become available between sessions of the General Assembly

Personal Service. . . . .	\$300,000
Expense and Equipment .. . . .	<u>3,000,002</u>

From Federal Funds . . . . . 3,300,002

For the purpose of funding receipt and disbursement of donations, gifts, and  
grants which may become available to the department during the year,  
excluding federal grants and funds

Personal Service. . . . . 250,000  
Expense and Equipment . . . . . 2,246,604  
From Department of Health Donated Fund . . . . . 2,496,604  
Total (0 F.T.E.). . . . . \$5,796,606

**SECTION 10.620.**— To the Department of Health and Senior Services

For the Office of Director

For the purpose of funding preventive health services under the provisions of  
the Preventive Health Services Block Grant

From Federal Funds (0 F.T.E.). . . . . \$1,530,110

**SECTION 10.625.**— To the Department of Health and Senior Services

For the Division of Administration

For the purpose of funding the payment of refunds set off against debts in  
accordance with Section 143.786, RSMo

From Debt Offset Escrow Fund (0 F.T.E.). . . . . \$50,000E

**SECTION 10.630.**— There is transferred out of the State Treasury, chargeable

to the Health Initiatives Fund, Three Million, Two Hundred Forty-one

Thousand, Three Dollars (\$3,241,003) to the Health Access Incentive Fund

From Health Initiatives Fund (0 F.T.E.). . . . . \$3,241,003

**SECTION 10.635.**— To the Department of Health and Senior Services

For the purpose of funding the Center for Health Information and Evaluation

For the purpose of funding program operations and support

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund. . . . . \$2,263,130

Personal Service. . . . . 3,490,175

Expense and Equipment . . . . . 5,552,528

From Federal Funds . . . . . 9,042,703

Expense and Equipment

From Missouri Public Health Services Fund. . . . . 50,000

Personal Service. . . . . 225,012

Expense and Equipment. . . . . 365,000

From Department of Health Document Services Fund . . . . . 590,012

Personal Service. . . . . 114,163

Expense and Equipment. . . . . 18,000

From Workers' Compensation Fund. . . . . 132,163

Personal Service. . . . . 158,778

Expense and Equipment. . . . . 481,059

From Department of Health Donated Fund. . . . . 639,837

Total (Not to exceed 140.63 F.T.E.). . . . . \$12,717,845

**SECTION 10.640.**— To the Department of Health and Senior Services

For the Center for Health Information and Evaluation

For the purpose of paying the fees of local registrars of vital records in  
accordance with Section 193.305, RSMo

From General Revenue Fund (0 F.T.E.). . . . . \$155,000

**SECTION 10.645.**— To the Department of Health and Senior Services

For the Center for Local Public Health Services

For the purpose of funding program operations and support

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund. . . . . \$389,453

Personal Service. . . . . 89,761

Expense and Equipment. . . . . 10,692

From Federal Funds . . . . . 100,453

Personal Service. . . . . 90,201

Expense and Equipment. . . . . 162,097

From Department of Health Donated Fund. . . . . 252,298

Total (Not to exceed 13.00 F.T.E.). . . . . \$742,204

**SECTION 10.650.**— To the Department of Health and Senior Services

For the Center for Local Public Health Services

For the purpose of funding core public health functions and related expenses

From General Revenue Fund (0 F.T.E.). . . . . \$9,027,772

**SECTION 10.655.**— To the Department of Health and Senior Services

For the Center for Emergency Response and Terrorism

Personal Service. . . . . \$3,283,299

Expense and Equipment and Program Distribution. . . . . 26,080,567

From Federal Funds (Not to exceed 61.60 F.T.E.). . . . . \$29,363,866

**SECTION 10.660.**— To the Department of Health and Senior Services

For the Center for Health Improvement

For the purpose of funding program operations and support

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund. . . . . \$436,312

Personal Service. . . . . 731,590

Expense and Equipment. . . . . 588,633

From Federal Funds . . . . . 1,320,223

Personal Service

From Health Access Incentive Fund. . . . . 82,820

Personal Service. . . . . 63,335

Expense and Equipment. . . . . 22,500

From Professional and Practical Nursing Student Loan and Nurse Loan

Repayment Fund. . . . . 85,835

For the Primary Care Resource Initiative Program (PRIMO)

From Health Access Incentive Fund. . . . . 3,027,000

From Department of Health Donated Fund. . . . . 850,000

Total (Not to exceed 30.35 F.T.E.). . . . . \$5,802,190

**SECTION 10.665.**— To the Department of Health and Senior Services

For the Center for Health Improvement

For the Financial Aid to Medical Students and Medical School Loan Repayment

Programs in accordance with Chapter 191, RSMo

From Federal Funds. . . . . \$214,446

From Medical School Loan Repayment Fund. . . . . 50,000

Total (0 F.T.E.). . . . . \$264,446

**SECTION 10.670.**— To the Department of Health and Senior Services

For the Center for Health Improvement

For the purpose of funding the Nurse Loan and Nurse Loan Repayment Programs

in accordance with Chapter 335, RSMo

From Federal Funds. . . . . \$60,000

From Professional and Practical Nursing Student Loan and Nurse Loan

Repayment Fund. . . . . 450,000

Total (0 F.T.E.). . . . . \$510,000

**SECTION 10.675.**— To the Department of Health and Senior Services

For the Division of Environmental Health and Communicable Disease Prevention

For the purpose of funding program operations and support

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund. . . . . \$4,870,137

Personal Service. . . . . 4,210,627

Expense and Equipment . . . . . 14,052,229

From Federal Funds . . . . . 18,262,856

Personal Service. . . . . 170,877

Expense and Equipment. . . . . 70,532

From Hazardous Waste Remedial Fund . . . . . 241,409

Personal Service. . . . . 81,251

Expense and Equipment. . . . . 235,050

From Missouri Public Health Services Fund. . . . . 316,301

For the Lead Abatement Loan Program

From Missouri Lead Abatement Loan Fund . . . . . 276,000

For the purpose of funding medications

From General Revenue Fund. . . . . 2,120,896

From Federal Funds. . . . . 9,213,055

Total (Not to exceed 192.40 F.T.E.). . . . . \$35,300,654

**SECTION 10.680.**— To the Department of Health and Senior Services

For the Division of Maternal, Child and Family Health  
 For the purpose of funding program operations and support  
     Personal Service and/or Expense and Equipment, provided that not more  
     than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund. . . . . \$1,963,903

    Personal Service. . . . . 3,123,977  
     Expense and Equipment. . . . . 3,427,286  
 From Federal Funds . . . . . 6,551,263

    Personal Service  
 From Health Initiatives Fund. . . . . 40,309  
 Total (Not to exceed 144.23 F.T.E.). . . . . \$8,555,475

**SECTION 10.685.**— To the Department of Health and Senior Services

For the Division of Maternal, Child and Family Health  
 For sexual assault prevention education and victim services  
 From Federal Funds (0 F.T.E.). . . . . \$889,134

**SECTION 10.690.**— To the Department of Health and Senior Services

For the Division of Maternal, Child and Family Health  
 For the purpose of funding maternal and child health services, including rape  
     medical examinations, Sudden Infant Death Syndrome (SIDS) payments,  
     and maternal and child health services from sources other than the  
     Maternal and Child Health Block Grant  
 From General Revenue Fund (0 F.T.E.). . . . . \$786,334

**SECTION 10.695.**— To the Department of Health and Senior Services

For the Division of Maternal, Child and Family Health  
 For the purpose of funding maternal and child health services under the  
     provisions of the Maternal and Child Health Block Grant  
 From Federal Funds (0 F.T.E.). . . . . \$8,049,819

**SECTION 10.700.**— To the Department of Health and Senior Services

For the Division of Maternal, Child and Family Health  
 For the purpose of funding school-aged children's health services and related  
     expenses  
 From Health Initiatives Fund (0 F.T.E.). . . . . \$5,366,564

**SECTION 10.705.**— To the Department of Health and Senior Services

For the Division of Maternal, Child and Family Health  
 For the purpose of funding children with special health care needs and related  
     expenses  
 From General Revenue Fund. . . . . \$1,051,772  
 From Federal Funds . . . . . 756,191  
 From Crippled Children's Service Fund. . . . . 275,000  
 From Smith Memorial Endowment Fund . . . . . 35,000  
 From Department of Health Interagency Payments Fund. . . . . 520,527  
 Total (0 F.T.E.). . . . . \$2,638,490

**SECTION 10.710.**— To the Department of Health and Senior Services

For the Division of Maternal, Child and Family Health

For the purpose of funding head injury community rehabilitation and support services

From General Revenue Fund.....	\$1,448,498
From Federal Funds. ....	<u>250,000</u>
Total (0 F.T.E.). ....	\$1,698,498

**SECTION 10.715.**— To the Department of Health and Senior Services

For the Division of Maternal, Child and Family Health

For the purpose of funding genetic services

From General Revenue Fund.....	\$1,586,216
From Federal Funds. ....	<u>260,000</u>
Total (0 F.T.E.). ....	\$1,846,216

**SECTION 10.720.**— To the Department of Health and Senior Services

For the Division of Maternal, Child and Family Health

For the purpose of funding blindness education, screening, and treatment services

From Blindness Education, Screening, and Treatment Fund (0 F.T.E.). . . . . \$250,000

**SECTION 10.730.**— To the Department of Health and Senior Services

For the Division of Maternal, Child and Family Health

For the purpose of funding alternatives to abortion services to women at or below 200% of Federal Poverty Level, consisting of services or counseling offered to a pregnant woman and continuing for one year thereafter, to assist her in carrying her unborn child to term instead of having an abortion, and to assist her in caring for her dependent child or placing her child for adoption, including, but not limited to the following: prenatal care; medical and mental health care; parenting skills; drug and alcohol testing and treatment; child care; newborn or infant care; housing; utilities; educational services; food, clothing and supplies relating to pregnancy, newborn care and parenting; adoption assistance; job training and placement; establishing and promoting responsible paternity; ultrasound services; case management; domestic abuse protection; and transportation. Actual provision and delivery of such services shall be dependent on client needs and not otherwise prioritized by the department. Such services shall be available only during pregnancy and continuing for one year thereafter, and shall exclude any family planning services. None of these funds shall be expended to perform or induce, assisting the performing or inducing of, or refer for, abortions; and none of these funds shall be granted to organizations or affiliates of organizations that perform or induce, assist in the performing or inducing of, or refer for, abortions

From General Revenue Fund (0 F.T.E.). . . . . \$570,000

**SECTION 10.735.**— To the Department of Health and Senior Services

For the Division of Nutritional Health and Services

For the purpose of funding program operations and support

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund..... \$244,535

Personal Service. ....	2,838,907
Expense and Equipment . ....	<u>4,233,810</u>
From Federal Funds . ....	<u>7,072,717</u>

Total (Not to exceed 84.15 F.T.E.). . . . . \$7,317,252

**SECTION 10.740.**— To the Department of Health and Senior Services

For the Division of Nutritional Health and Services

For the purpose of funding Women, Infants and Children (WIC) Supplemental

Nutrition program distributions and related expenses

From General Revenue Fund. . . . . \$54,126

From Federal Funds . . . . . 95,470,273

From Department of Health Donated Fund. . . . . 145,714

Total (0 F.T.E.). . . . . \$95,670,113

**SECTION 10.745.**— To the Department of Health and Senior Services

For the Division of Nutritional Health and Services

For the purpose of funding the Child and Adult Care Food Program

From Federal Funds (0 F.T.E.). . . . . \$39,256,964E

**SECTION 10.750.**— To the Department of Health and Senior Services

For the Division of Nutritional Health and Services

For the purpose of funding the Summer Food Service Program

From Federal Funds (0 F.T.E.). . . . . \$7,163,879

**SECTION 10.755.**— To the Department of Health and Senior Services

For the Division of Chronic Disease Prevention and Health Promotion

For the purpose of funding program operations and support

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund. . . . . \$1,456,729

Personal Service. . . . . 2,571,878

Expense and Equipment. . . . . 6,423,438

From Federal Funds . . . . . 8,995,316

Personal Service. . . . . 102,472

Expense and Equipment. . . . . 255,010

From Organ Donation Fund. . . . . 357,482

Total (Not to exceed 86.09 F.T.E.). . . . . \$10,809,527

**SECTION 10.760.**— To the Department of Health and Senior Services

For the Division of Health Standards and Licensure

For the purpose of funding program operations and support

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund. . . . . \$10,509,138

Personal Service. . . . . 9,979,177

Expense and Equipment . . . . . 3,295,978

From Federal Funds . . . . . 13,275,155

Personal Service. . . . . 1,096,808

Expense and Equipment . . . . . 2,266,726

From Nursing Facility Quality of Care Fund . . . . . 3,363,534

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Personal Service. . . . .	63,012
Expense and Equipment. . . . .	<u>13,650</u>
From Health Access Incentive Fund. . . . .	76,662

Personal Service. . . . .	52,202
Expense and Equipment. . . . .	<u>18,200</u>
From Mammography Fund. . . . .	70,402

Personal Service. . . . .	181,418
Expense and Equipment. . . . .	<u>81,840</u>
From Early Childhood Development, Education and Care Fund. . . . .	263,258

Personal Service. . . . .	58,005
Expense and Equipment. . . . .	<u>49,469</u>
From Missouri Public Health Services Fund. . . . .	107,474

For the purpose of funding a diet pill education program	
From Department of Health Donated Fund. . . . .	<u>130,000</u>
Total (Not to exceed 555.66 F.T.E.). . . . .	\$27,795,623

**SECTION 10.765.**— To the Department of Health and Senior Services

For the Division of Health Standards and Licensing

For the purpose of funding activities to improve the quality of childcare, increase the availability of early childhood development programs, before- and after-school care, and in-home services for families with newborn children, and for general administration of the program in accordance with Section 313.835, RSMo

From Federal Funds. . . . .	\$2,830,313
From Early Childhood Development, Education and Care Fund. . . . .	<u>728,740</u>
Total (0 F.T.E.). . . . .	\$3,559,053

**SECTION 10.770.**— To the Department of Health and Senior Services

For the Division of Senior Services

For the purpose of funding Home and Community Services personnel

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund. . . . .	\$7,789,523
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Personal Service. . . . .	8,480,215
Expense and Equipment. . . . .	<u>886,245</u>
From Federal Funds. . . . .	<u>9,366,460</u>
Total (Not to exceed 510.86 F.T.E.). . . . .	\$17,155,983

**SECTION 10.775.**— To the Department of Health and Senior Services

For the Division of Senior Services

For the purpose of funding Home and Community Services programs

From General Revenue Fund . . . . .	\$16,044,376
From Federal Funds . . . . .	<u>2,787,597</u>
From Division of Aging Donations Fund. . . . .	<u>50,000</u>
Total (0 F.T.E.). . . . .	\$18,881,973

**SECTION 10.780.**— To the Department of Health and Senior Services

For the Division of Senior Services

For the purpose of funding Home and Community Services grants; provided, however, that funds appropriated herein for home-delivered meals, distributed according to formula to the area agencies and which may, for whatever reason, not be expended shall be redistributed based upon need and ability to spend. The Area Agencies on Aging shall comply with all reporting requirements requested by the department and shall conduct public hearings on their spending plans and other operations as shall be required by the department

From General Revenue Fund. . . . .	\$9,665,869
From Federal Funds . . . . .	31,124,416
From Division of Aging Elderly Home Delivered Meals Trust Fund . . . . .	<u>430,000</u>
Total (0 F.T.E.). . . . .	\$41,220,285

**SECTION 10.785.**— To the Department of Health and Senior Services

For the Division of Senior Services

For the distributions to Area Agencies on Aging pursuant to the Older Americans Act and related programs

From General Revenue Fund (0 F.T.E.). . . . .	\$1,866,115
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**SECTION 10.790.**— To the Department of Health and Senior Services

For the Commission for the Missouri Senior Rx Program

For the Missouri Senior Rx Program. . . . .	\$22,779,247
Personal Service. . . . .	641,712
Expense and Equipment . . . . .	<u>2,745,024</u>

If the enrollment fee collections exceed the originally projected enrollment revenue, the Commission shall be authorized to spend from such collections to cover the cost of third party administration

Expense and Equipment. . . . .	<u>1,500,000</u>
From the Missouri Senior Rx Fund (Not to exceed 17.00 F.T.E.). . . . .	\$27,665,983

**SECTION 10.795.**— There is transferred out of the State Treasury, chargeable to the Healthy Families Trust Fund-Senior Catastrophic Prescription Account, Sixteen Million, Four Hundred Seventy-eight Thousand, Two Hundred Eighty-eight Dollars (\$16,478,288) to the Missouri Senior Rx Fund

From Healthy Families Trust Fund-Senior Catastrophic Prescription Account (0 F.T.E.). . . . .	\$16,478,288
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**SECTION 10.800.**— To the Department of Health and Senior Services

For the Missouri Health Facilities Review Committee

For the purpose of funding program operations and support

    Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 3.50 F.T.E.). . . . .	\$192,928
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**BILL TOTALS**

General Revenue Fund. . . . .	\$591,499,225
Federal Funds. . . . .	702,271,286
Other Funds. . . . .	<u>87,501,171</u>

Total. . . . . \$1,381,271,682

Approved June 30, 2003

## HB 11 [CCS SCS HCS HB 11]

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

AN ACT to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2003 and ending June 30, 2004 as follows:

### **SECTION 11.005.** — To the Department of Social Services

For the Office of the Director

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation  
From General Revenue Fund. . . . . \$491,478

Personal Service. . . . . 12,133  
Expense and Equipment. . . . . 1,500  
From Federal Funds . . . . . 13,633

Personal Service. . . . . 41,764  
Expense and Equipment. . . . . 17,300  
From Child Support Collections Fund. . . . . 59,064  
Total (Not to exceed 9.38 F.T.E.). . . . . \$564,175

### **SECTION 11.010.** — To the Department of Social Services

For the Office of the Director

For the purpose of funding contractual services with Legal Services Corporations in Missouri that receive funding from the Federal Legal Services Corporation, and which provide legal services to low-income Missouri citizens. Funds shall be allocated according to statute. Funding shall not be allocated if the provisions of Section 504(a)(7) and Section 508(b)(2)(B) of the Omnibus 1996 Appropriations Bill have not been met by the Legal Services Corporation. Contracts for services should provide low-income Missouri citizens equal access to the civil justice system, with high priority on families and children, domestic violence, the elderly, and qualification for benefits under the Social Security Act and the Work Opportunity Reconciliation Act of 1996.

Contractors shall provide to the department a report of services rendered, including the number of low-income citizens served, the types of services provided, the cost per case, and the amount of free and reduced-fee legal services which have been provided; and shall include a full accounting of all expenditures made by or on behalf of Legal Services Corporations in Missouri which shall include expenditures of all federal, state, and other funds. An accounting shall be made for the first six months from July 1, 2003 through December 31, 2003 and a final accounting for the year through June 30, 2004, and these reports shall include a comparison with all expenditures for Fiscal Year 2003. The accountings shall be delivered to the General Assembly, including the House Budget Committee Chair, the House Appropriations Committee - Social Services Chair, the Senate Appropriations Committee Chair, and also to all current House Appropriations Committee - Social Services members, no later than January 31, 2004, and July 31, 2004 respectively

From Legal Services for Low-Income People Fund. . . . . \$2,000,000E

**SECTION 11.015.**— There is transferred out of the State Treasury, chargeable to the Basic Civil Legal Services Fund, Two Million Dollars (\$2,000,000) to the Legal Services for Low-Income People Fund

From Basic Civil Legal Services Fund.. . . . \$2,000,000E

**SECTION 11.020.**— To the Department of Social Services

For the Office of the Director

For the purpose of receiving and expending donations and federal funds provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds

From Federal and Other Funds. . . . . \$12,429,000

**SECTION 11.025.**— To the Department of Social Services

For Administrative Services

For the Division of General Services

For the purpose of funding operating maintenance and repair

From Facilities Maintenance Reserve Fund. . . . . \$30,708

From Federal Funds . . . . . 10,138

For the Division of Youth Services

For the purpose of funding operating maintenance and repair

From Facilities Maintenance Reserve Fund . . . . . 78,794

From Federal Funds. . . . . 138,243

Total. . . . . \$257,883

**SECTION 11.030.**— To the Department of Social Services

For the Office of Director

For the Human Resources Center

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund. . . . . \$370,929

Personal Service. . . . . 190,653

Expense and Equipment. . . . . 41,089

From Federal Funds .....	231,742
Total (Not to exceed 16.27 F.T.E.).....	\$602,671

**SECTION 11.035.**— To the Department of Social Services

For Administrative Services

For the Division of Budget and Finance

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund.....	\$1,667,825
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Personal Service. ....	422,380
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Expense and Equipment.....	116,518
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From Federal Funds. ....	538,898
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Total (Not to exceed 64.14 F.T.E.).....	\$2,206,723
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**SECTION 11.040.**— To the Department of Social Services

For Administrative Services

For the Division of Budget and Finance

For the payment of fees to contractors who engage in revenue maximization  
projects on behalf of the Department of Social Services

From Federal Funds. ....	\$1,000,000E
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**SECTION 11.045.**— To the Department of Social Services

For Administrative Services

For the Division of Budget and Finance

For the purpose of funding the receipt and disbursement of refunds and  
incorrectly deposited receipts to allow the over-collection of accounts  
receivables to be paid back to the recipient

From Federal and Other Funds. ....	\$2,500,000E
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**SECTION 11.050.**— To the Department of Social Services

For Administrative Services

For the Division of Budget and Finance

For the purpose of funding payments to counties toward the care and maintenance  
of each delinquent or dependent child as provided in Chapter 211.156, RSMo

From General Revenue Fund.....	\$3,192,000
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**SECTION 11.055.**— To the Department of Social Services

For the Information Services and Technology Division

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund.....	\$4,110,523
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Personal Service. ....	4,540,503
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Expense and Equipment.....	25,547,990
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From Federal Funds .....	30,088,493
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Personal Service. ....	241,055
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Expense and Equipment.....	2,779,477
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From Child Support Enforcement Collections Fund.....	3,020,532
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Personal Service. ....	36,524
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Expense and Equipment. . . . .	403,289
From Administrative Trust Fund . . . . .	439,813

Expense and Equipment	
From Education Improvement Fund. . . . .	127,238

Personal Service. . . . .	7,331
Expense and Equipment. . . . .	43,271
From Third Party Liability Collections Fund. . . . .	50,602
Total (Not to exceed 174.62 F.T.E.). . . . .	\$37,837,201

**SECTION 11.060.**— To the Department of Social Services

For Administrative Services

For the purpose of funding the Division of General Services

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund. . . . .	\$1,847,740
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Personal Service. . . . .	242,488
Expense and Equipment. . . . .	83,672
From Federal Funds . . . . .	326,160

Personal Service	
From Child Support Enforcement Fund. . . . .	95,627

For the purpose of funding the centralized inventory system

Expense and Equipment

From Administrative Trust Fund. . . . .	5,750,000
Total (Not to exceed 72.61 F.T.E.). . . . .	\$8,019,527

**SECTION 11.065.**— To the Department of Social Services

For Administrative Services

For the purpose of funding the Division of Legal Services

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund. . . . .	\$2,049,489
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Personal Service. . . . .	2,823,231
Expense and Equipment. . . . .	779,092
From Federal Funds . . . . .	3,602,323

Personal Service. . . . .	488,298
Expense and Equipment. . . . .	318,163
From Third Party Liability Collections Fund. . . . .	806,461

Personal Service	
From Child Support Enforcement Fund. . . . .	147,745
Total (Not to exceed 149.74 F.T.E.). . . . .	\$6,606,018

**SECTION 11.100.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding division administration, provided that this

appropriation may be used to support the administration of the Children's Division Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation	
From General Revenue Fund.....	\$1,476,116
Personal Service.....	6,046,816
Expense and Equipment.....	6,363,452
From Federal Funds .....	12,410,268
Expense and Equipment	
From Third Party Liability Collections Fund.....	134,577
Personal Service.....	1,346,002
Expense and Equipment.....	134,847
From Child Support Enforcement Collections Fund.....	1,480,849
Expense and Equipment	
From Administrative Trust Fund .....	39,690
Expense and Equipment	
From Blind Pension Fund.....	62,417
Total (Not to exceed 235.82 F.T.E.).....	\$15,603,917

**SECTION 11.105.**— To the Department of Social Services

For the Family Support Division

For the income maintenance field staff and operations, provided that this  
appropriation may be used to support Children's Division Field Staff  
and Operations

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation	
From General Revenue Fund.....	\$27,902,608
Personal Service.....	60,459,511
Expense and Equipment.....	4,418,682
From Federal Funds .....	64,878,193
Personal Service.....	675,041
Expense and Equipment.....	28,749
From Health Initiatives Fund.....	703,790
Total (Not to exceed 3,041.20 F.T.E.).....	\$93,484,591

**SECTION 11.110.**— To the Department of Social Services

For the Family Support Division

For the income maintenance staff training, provided that this appropriation  
may be used to support Children's Division staff training

From General Revenue Fund.....	\$513,246
From Federal Funds .....	164,591
Total.....	\$677,837

**SECTION 11.115.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding the electronic benefit transfers (EBT) system to reduce fraud, waste, and abuse Expense and Equipment	
From General Revenue Fund. . . . .	\$3,055,683
From Federal Funds . . . . .	<u>2,564,886</u>
Total. . . . .	\$5,620,569

**SECTION 11.120.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding the receipt of funds from the Polk County and  
Bolivar Charitable Trust for the exclusive benefit and use of the Polk  
County Office

From Charitable Trust Account. . . . .	\$10,000
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**SECTION 11.125.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding contractor, hardware, and other costs associated  
with planning, development, and implementation of a Family Assistance  
Management Information System (FAMIS)

From General Revenue Fund. . . . .	\$2,333,302
From Federal Funds . . . . .	<u>3,789,073</u>
Total. . . . .	\$6,122,375

**SECTION 11.130.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding Community Partnerships  
Personal Service

From General Revenue Fund. . . . .	\$161,956
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For grants and contracts to Community Partnerships and other community  
initiatives and related expenses

From General Revenue Fund. . . . .	1,000,000
From Federal Funds . . . . .	<u>7,483,799</u>

For Missouri Mentoring Partnership

From General Revenue Fund. . . . .	695,715
From Federal Funds. . . . .	<u>778,143</u>
Total (Not to exceed 5.38 F.T.E.). . . . .	\$10,119,613

**SECTION 11.135.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding Food Stamp work training-related expenses

From General Revenue Fund. . . . .	\$80,036
From Federal Funds . . . . .	<u>5,300,000</u>
Total. . . . .	\$5,380,036

**SECTION 11.140.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding the payment of Temporary Assistance for Needy  
Families benefits

From General Revenue Fund. . . . .	\$17,287,706
From Federal Funds . . . . .	<u>118,545,760E</u>

Total. . . . . \$135,833,466

**SECTION 11.145.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding Grandparent Foster Care

From General Revenue Fund. . . . . \$2,403,070

**SECTION 11.150.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding supplemental payments to aged or disabled persons

From General Revenue Fund. . . . . \$210,000

**SECTION 11.155.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding nursing care payments to aged, blind, or disabled persons, provided a portion of this appropriation may be transferred to the Department of Mental Health for persons removed from the Supplemental Nursing Care Program and placed in the Supported Housing Program, resulting in a reduction of Department of Mental Health supplemental nursing home clients and for personal funds to recipients of Supplemental Nursing Care payments as required by Section 208.030, RSMo

From General Revenue Fund. . . . . \$25,538,684

**SECTION 11.160.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding receipt and disbursement of Supplemental Security

Income Program payments and funding General Relief benefits payable for periods prior to August 1, 2003. Funds appropriated in this section shall not provide for General Relief cash benefits for periods after July 31, 2003

From General Revenue Fund. . . . . \$100,000

From Federal Funds . . . . . 4,000,000

Total. . . . . \$4,100,000

**SECTION 11.165.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding Blind Pension and supplemental payments to blind persons

From Blind Pension Fund. . . . . \$20,580,572

**SECTION 11.170.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding benefits and services as provided by the Indochina Migration and Refugee Assistance Act of 1975 as amended

From Federal Funds. . . . . \$3,812,553

**SECTION 11.175.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding community services programs provided by Community Action Agencies, including programs to assist the homeless, under the provisions of the Community Services Block Grant

From Federal Funds. . . . . \$19,144,171

**SECTION 11.180.**— To the Department of Social Services  
For the Family Support Division  
For the purpose of funding grants for local initiatives to assist the homeless  
From Federal Funds. . . . . \$500,000

**SECTION 11.185.**— To the Department of Social Services  
For the Family Support Division  
For the purpose of funding the Emergency Shelter Grant Program  
From Federal Funds. . . . . \$1,340,000

**SECTION 11.190.**— To the Department of Social Services  
For the Family Support Division  
For the purpose of funding the Surplus Food Distribution Program and the  
receipt and disbursement of Donated Commodities Program payments  
From Federal Funds. . . . . \$1,000,000

**SECTION 11.195.**— To the Department of Social Services  
For the Family Support Division  
For the purpose of funding the Low-Income Home Energy Assistance Program  
From Federal Funds. . . . . \$40,794,695E

**SECTION 11.200.**— To the Department of Social Services  
For the Family Support Division  
For the purpose of funding administration of blind services  
    Personal Service. . . . . \$3,093,020  
    Expense and Equipment. . . . . 893,411  
From Federal Funds . . . . . 3,986,431

    Personal Service. . . . . 854,016  
    Expense and Equipment. . . . . 210,637  
From Blind Pension Funds . . . . . 1,064,653  
Total (Not to exceed 129.53 F.T.E.). . . . . \$5,051,084

**SECTION 11.205.**— To the Department of Social Services  
For the Family Support Division  
For the purpose of funding services for the visually impaired  
From Federal Funds. . . . . \$5,085,000  
From Blind Pension Fund. . . . . 1,549,935  
From Donated Funds. . . . . 100,000  
Total. . . . . \$6,734,935

**SECTION 11.210.**— To the Department of Social Services  
For the Family Support Division  
For the purpose of funding Child Support Enforcement Field Staff and Operations  
    Personal Service and/or Expense and Equipment, provided that not more  
    than fifteen percent (15%) flexibility is allowed between each appropriation  
From General Revenue Fund. . . . . \$528,613  
  
    Personal Service. . . . . 22,917,908  
    Expense and Equipment. . . . . 7,528,116  
From Federal Funds . . . . . 30,446,024

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Personal Service. . . . .	5,911,198
Expense and Equipment. . . . .	<u>2,029,481</u>
From Child Support Enforcement Collections Fund. . . . .	<u>7,940,679</u>
Total (Not to exceed 1,080.62 F.T.E.). . . . .	\$38,915,316

**SECTION 11.215.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding payments to private agencies collecting child support orders and arrearages

From Child Support Enforcement Collections Fund. . . . .	\$510,000
From Federal Funds. . . . .	<u>990,000</u>
Total. . . . .	\$1,500,000

**SECTION 11.220.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding contractual agreements with local governments in certain paternity establishment and child support enforcement cases

From Child Support Enforcement Collections Fund. . . . .	\$653,000
From Federal Funds . . . . .	<u>1,270,000</u>
Total. . . . .	\$1,923,000

**SECTION 11.225.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding reimbursement to counties and the City of St. Louis providing child support enforcement services

From Federal Funds. . . . .	\$8,200,000E
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**SECTION 11.230.**— To the Department of Social Services

For the Family Support Division

For the purpose of funding payment to the federal government for reimbursement of federal Temporary Assistance for Needy Families payments, incentive payments to local governments and other states, refunds of bonds, refunds of support payments or overpayments, and distributions to families

From Federal Funds. . . . .	\$36,000,000E
From Alternative Care Trust Fund . . . . .	167,000
From Debt Offset Escrow Fund . . . . .	<u>9,000,000E</u>
Total. . . . .	\$45,167,000

**SECTION 11.235.**— To the Department of Social Services

For the Children's Division

For division administration provided this appropriation may be used to support administration of the Family Support Division

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund. . . . .	\$1,020,637
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Personal Service. . . . .	3,227,622
Expense and Equipment. . . . .	<u>2,837,427</u>
From Federal Funds . . . . .	6,065,049

Personal Service. . . . .	40,716
Expense and Equipment. . . . .	<u>11,856</u>

From Early Childhood Trust Fund. . . . . 52,572

Expense and Equipment

From Third Party Liability Collections Fund. . . . . 163,323  
Total (Not to exceed 116.89 F.T.E.). . . . . \$7,301,581

**SECTION 11.240.** — To the Department of Social Services

For the Children's Division

For the Children's Field Staff and Operations, provided that this appropriation  
may be used to support Family Support Division Income Maintenance

Field Staff and Operations

Personal Service and/or Expense and Equipment, provided that not more

than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund. . . . . \$25,293,532

Personal Service. . . . . 38,691,709

Expense and Equipment. . . . . 4,482,081

From Federal Funds . . . . . 43,173,790

Personal Service. . . . . 61,994

Expense and Equipment. . . . . 28,749

From Health Initiatives Fund. . . . . 90,743

Total (Not to exceed 2,026.62 F.T.E.). . . . . \$68,558,065

**SECTION 11.245.** — To the Department of Social Services

For the Children's Division

For Children's Staff Training, provided that this appropriation may be used

to support Family Support Division Income Maintenance Staff Training

From General Revenue Fund. . . . . \$1,197,577

From Federal Funds. . . . . 384,041

Total. . . . . \$1,581,618

**SECTION 11.250.** — To the Department of Social Services

For the Children's Division

For the purpose of funding children's treatment services, including, but not

limited to, home-based services, day treatment services, preventive services,

child care, family reunification services, or intensive in-home services

From General Revenue Fund. . . . . \$8,325,970

From Federal Funds. . . . . 5,486,047

Total. . . . . \$13,812,017

**SECTION 11.255.** — To the Department of Social Services

For the Children's Division

For the purpose of funding placement costs including Foster Care payments,

related services, expenses related to training of foster parents,

Residential Treatment placements and therapeutic treatment services,

and for the diversion of children from inpatient psychiatric treatment and

services provided through comprehensive, expedited permanency systems

of care for children and families

From General Revenue Fund. . . . . \$56,205,257

From Federal Funds. . . . . 52,503,972

For the purpose of enhancing current foster care case management contracts to increase service delivery to children and families. The purpose of these services shall be to help children who are at risk of being removed from their family because of abuse or neglect. Services may also be provided to children and families to expedite reunifications. Services eligible under this provision may include Intensive In-Home Services, Family Reunification Services, and specialized recruitment and training of foster care families.

Funding may also be used for limited emergency resources for families

From Federal Funds. . . . .	5,000,000
Total. . . . .	<u>\$113,709,229</u>

**SECTION 11.260.**— To the Department of Social Services

For the Children's Division

For the purpose of funding Adoption and Guardianship subsidy payments and related services

From General Revenue Fund. . . . .	\$42,034,513
From Federal Funds. . . . .	<u>18,084,646</u>
Total. . . . .	<u>\$60,119,159</u>

**SECTION 11.265.**— To the Department of Social Services

For the Children's Division

For the purpose of funding independent living placements and transitional living payment services

From General Revenue Fund. . . . .	\$1,690,790
From Federal Funds. . . . .	<u>3,393,228</u>
Total. . . . .	<u>\$5,084,018</u>

**SECTION 11.270.**— To the Department of Social Services

For the Children's Division

For the purpose of funding appropriations for children's treatment services, alternative care placement services, adoption subsidy services, independent living services, and services provided through comprehensive, expedited permanency systems of care for children and families

From General Revenue Fund. . . . .	\$9,670,990
From Federal Funds. . . . .	<u>9,273,261</u>
Total. . . . .	<u>\$18,944,251</u>

**SECTION 11.275.**— To the Department of Social Services

For the Children's Division

For the purpose of funding Regional Child Assessment Centers

From General Revenue Fund. . . . .	\$1,749,583
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**SECTION 11.280.**— To the Department of Social Services

For the Children's Division

For the purpose of funding diversion of children from inpatient psychiatric treatment and to provide services to reduce the number of children's inpatient medical hospitalization days

From General Revenue Fund. . . . .	\$6,542,640
From Federal Funds. . . . .	<u>9,691,373</u>
Total. . . . .	<u>\$16,234,013</u>

**SECTION 11.285.**— To the Department of Social Services

For the Children's Division  
 For the purpose of funding residential placement payments to counties for  
 children in the custody of juvenile courts  
 From Federal Funds. . . . . \$700,000

**SECTION 11.290.**— To the Department of Social Services

For the Children's Division  
 For the purpose of funding services and programs to assist victims of  
 domestic violence  
 From General Revenue Fund. . . . . \$4,300,000  
 From Federal Funds . . . . . 1,687,653  
 Total. . . . . \$5,987,653

**SECTION 11.295.**— To the Department of Social Services

For the Children's Division  
 For the purpose of funding the Child Abuse and Neglect Prevention Grant  
 and Children Justice Act Grant  
 From Federal Funds. . . . . \$1,000,000

**SECTION 11.300.**— To the Department of Social Services

For the Children's Division  
 For the purpose of funding transactions involving personal funds of children  
 in the custody of the Children's Division or the Division of Youth Services  
 From Alternative Care Trust Fund. . . . . \$12,000,000E

**SECTION 11.305.**— To the Department of Social Services

For the Children's Division  
 For the purpose of funding Child Care Services and to support the Educare  
 Program not to exceed \$3,000,000 expenses  
 From General Revenue Fund. . . . . \$59,312,362  
 From Federal Funds . . . . . 106,628,422  
 From Early Childhood Development, Education and Care Fund. . . . . 1,548,152

For the purpose of payments to accredited child care providers pursuant to  
 Chapter 313, RSMo  
 From Early Childhood Development, Education and Care Fund. . . . . 3,446,898

For the purpose of funding early childhood start-up and expansion grants  
 pursuant to Chapter 313, RSMo  
 From Early Childhood Development, Education and Care Fund. . . . . 4,136,278

For the purpose of funding early childhood development, education, and care  
 programs for low-income families pursuant to Chapter 313, RSMo  
 From Early Childhood Development, Education and Care Fund. . . . . 3,446,898

For the purpose of funding certificates to low-income, at-home families for  
 Chapter 313, RSMo  
 From Early Childhood Development, Education and Care Fund. . . . . 3,446,898  
 Total. . . . . \$181,965,908

**SECTION 11.315.**— To the Department of Social Services

For the Division of Youth Services

For the purpose of funding Central Office and Regional Offices

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund..... \$1,732,698

Personal Service. .... 543,939

Expense and Equipment..... 117,846

From Federal Funds. .... 661,785

Total (Not to exceed 56.66 F.T.E.)..... \$2,394,483

**SECTION 11.320.**— To the Department of Social Services

For the Division of Youth Services

For the purpose of funding treatment services, including foster care and contractual payments

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund..... \$31,983,919

Personal Service. .... 6,627,582

Expense and Equipment..... 7,073,293

From Federal Funds ..... 13,700,875

Personal Service. .... 2,394,837

Expense and Equipment..... 3,715,760

From DOSS Educational Improvement Fund ..... 6,110,597

Personal Service. .... 107,219

Expense and Equipment..... 10,135

From Health Initiatives Fund. .... 117,354

Total (Not to exceed 1,387.00 F.T.E.)..... \$51,912,745

**SECTION 11.325.**— To the Department of Social Services

For the Division of Youth Services

For the purpose of funding incentive payments to counties for community-based treatment programs for youth. Up to \$500,000 from the Gaming Commission Fund appropriated within this section may be used for funding treatment services, including foster care and contractual payments

From General Revenue Fund..... \$3,884,412

From Gaming Commission Fund..... 500,000

Total..... \$4,384,412

**SECTION 11.400.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of funding administrative services. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds ninety percent of the federal poverty level, and those persons whose income exceeds ninety percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund. . . . .	\$5,729,138
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Personal Service. . . . .	5,358,625
Expense and Equipment. . . . .	<u>6,754,641</u>
From Federal Funds . . . . .	12,113,266

Personal Service. . . . .	16,810
Expense and Equipment. . . . .	<u>5,110</u>
From Pharmacy Rebates Fund . . . . .	21,920

Personal Service. . . . .	266,394
Expense and Equipment. . . . .	<u>31,385</u>
From Health Initiatives Fund . . . . .	297,779

Personal Service. . . . .	71,346
Expense and Equipment. . . . .	<u>10,281</u>
From Nursing Quality of Care Fund. . . . .	81,627

Personal Service. . . . .	250,625
Expense and Equipment. . . . .	<u>1,414,665</u>
From Third Party Liability Collections Fund. . . . .	<u>1,665,290</u>
Total (Not to exceed 279.93 F.T.E.). . . . .	\$19,909,020

**SECTION 11.405.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of funding women and minority health care outreach programs.

The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount.

Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds ninety percent of the federal poverty level, and those persons whose income exceeds ninety percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From General Revenue Fund. . . . .	\$750,000
From Federal Funds. . . . .	<u>750,000</u>
Total. . . . .	\$1,500,000

**SECTION 11.410.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of funding a revenue maximization unit in the Division of Medical Services. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds ninety percent of the federal poverty level, and those persons whose income exceeds ninety percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

Personal Service. . . . .	\$81,000
Expense and Equipment. . . . .	<u>8,286</u>
From Federal Reimbursement Allowance Fund. . . . .	89,286

Personal Service. . . . .	81,000
Expense and Equipment. . . . .	<u>8,286</u>
From Federal Funds. . . . .	<u>89,286</u>
Total (Not to exceed 4.00 F.T.E.). . . . .	\$178,572

**SECTION 11.415.** — To the Department of Social Services

For the Division of Medical Services

For the purpose of funding fees associated with third-party collections

and other revenue maximization cost avoidance fees. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds ninety percent of the federal poverty level, and those persons whose income exceeds ninety percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From Federal Funds. . . . .	\$1,000,000E
From Third Party Liability Collections Fund. . . . .	<u>1,000,000E</u>
Total. . . . .	\$2,000,000

**SECTION 11.420.** — To the Department of Social Services

For the Division of Medical Services

For the purpose of funding the operation of the information systems. The

single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds ninety percent of the federal poverty level, and those persons whose income exceeds ninety percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From General Revenue Fund. . . . .	\$6,564,001
From Federal Funds . . . . .	<u>18,473,731</u>
Total. . . . .	\$25,037,732

**SECTION 11.425.** — To the Department of Social Services

For the Division of Medical Services

For the purpose of funding contractor payments associated with managed

care eligibility and enrollment of Medicaid recipients. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds ninety percent of the federal poverty level, and those persons whose income exceeds ninety percent of the federal poverty level will not be eligible for old age assistance

benefits, permanent and total disability benefits, or aid to the blind benefits	
From General Revenue Fund. . . . .	\$104,359
From Federal Funds . . . . .	<u>3,110,113</u>
Total. . . . .	\$3,214,472

**SECTION 11.430.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of funding pharmaceutical payments under the Medicaid fee-for-service and managed care programs and for the purpose of funding professional fees for pharmacists. Prior to the implementation of a preferred drug product list, the Division of Medical Services must submit to the Budget Chairman of the House and the Appropriations Chairman of the Senate a study which outlines the impact of such restrictions on patient care and the entire Medicaid budget. A portion of funding provided within this section, \$16,442,080 from the General Revenue Fund and \$26,109,887 from Federal Funds, is contingent upon both the passage of legislation authorizing the pharmacy provider tax and the approval of the pharmacy provider tax by the Federal Centers for Medicare and Medicaid Services (CMS), each of which must be in an amount sufficient to provide for Fiscal Year 2004 appropriations made from the Pharmacy Federal Reimbursement Allowance Fund. If these contingencies are not satisfied then the appropriation for the contingent funding noted above is revoked and the base dispensing fee, before any related provider tax adjustment, shall be lesser of \$4.09 or the lowest dispensing fee accepted by the pharmacy from any insurer or other third party payer; further, a component in determining ingredient cost reimbursement will include the flat Wholesale Acquisition Cost (WAC). The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds ninety percent of the federal poverty level, and those persons whose income exceeds ninety percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From General Revenue Fund. . . . .	\$235,922,953
From Federal Funds . . . . .	577,668,034
From Pharmacy Rebates Fund . . . . .	60,163,328E
From Pharmacy Reimbursement Allowance Fund . . . . .	61,984,630
From Health Initiatives Fund . . . . .	969,293
From Healthy Families Trust Fund-Health Care Account. . . . .	<u>1,041,034</u>
Total. . . . .	\$937,749,272

**SECTION 11.435.**— There is transferred out of the State Treasury, chargeable to the General Revenue Fund, Thirty Million Dollars (\$30,000,000) to the Pharmacy Reimbursement Allowance Fund

From General Revenue Fund. . . . .	\$30,000,000E
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**SECTION 11.440.**— There is transferred out of the State Treasury, chargeable to the Pharmacy Reimbursement Allowance Fund, Thirty Million Dollars (\$30,000,000) to the General Revenue Fund as a result of recovering the Pharmacy Reimbursement Allowance Fund

From Pharmacy Reimbursement Allowance Fund. . . . . \$30,000,000E

**SECTION 11.445.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of funding physician services and related services, including, but not limited to, clinic and podiatry services, physician-sponsored services and fees, laboratory and x-ray services, and family planning services under the Medicaid fee-for-service and managed care programs.

The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount.

Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds ninety percent of the federal poverty level, and those persons whose income exceeds ninety percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From General Revenue Fund. . . . .	\$109,479,804
From Federal Funds . . . . .	183,328,901
From Health Initiatives Fund . . . . .	1,247,544
From Healthy Families Trust Fund-Health Care Account. . . . .	1,041,034
Total. . . . .	\$295,097,283

**SECTION 11.450.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of funding dental services for children under the Medicaid fee-for-service and managed care programs and not for reimbursement of adult dental services provided after July 1, 2003. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds ninety percent of the federal poverty level, and those persons whose income exceeds ninety percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From General Revenue Fund. . . . .	\$2,693,467
From Federal Funds . . . . .	5,750,170
From Health Initiatives Fund . . . . .	71,162
From Healthy Families Trust Fund-Health Care Account. . . . .	848,773
Total. . . . .	\$9,363,572

**SECTION 11.455.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of funding payments to third-party insurers, employers, or policyholders for health insurance. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds ninety percent of the federal poverty level, and those persons whose income exceeds ninety percent of the federal poverty

level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits	
From General Revenue Fund. . . . .	\$31,199,490
From Federal Funds . . . . .	50,414,133
Total. . . . .	<u>\$81,613,623</u>

**SECTION 11.460.**— To the Department of Social Services

For the Division of Medical Services

For funding long-term care services

For the purpose of funding home health, respite care, homemaker chore, personal care, advanced personal care, adult day care, AIDS, children's waiver services, Program for All-Inclusive Care for the Elderly, and other related services under the Medicaid fee-for-service and managed care programs. Provided that an individual eligible for or receiving nursing home care must be given the opportunity to have those Medicaid dollars follow them to the community to the extent necessary to meet their unmet needs as determined by 13 CSR 15 9.030(5) and further be allowed to choose the personal care program option in the community that best meets the individuals' unmet needs. This includes the Consumer Directed Medicaid State Plan Amendment that is administered by the Division of Vocational Rehabilitation in the Department of Elementary and Secondary Education. And further provided that individuals eligible for the Medicaid Personal Care Option must be allowed to choose, from among all the program options, that option which best meets their unmet need as determined by 13 CSR 15 9.030(5); and also be allowed to have their Medicaid funds follow them to the extent necessary to meet their unmet needs whichever option they choose. This language does not create any entitlements not established by statute. The single state agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds ninety percent of the federal poverty level, and those persons whose income exceeds ninety percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From General Revenue Fund. . . . .	\$105,580,766
From Federal Funds . . . . .	169,382,864
From Health Initiatives Fund . . . . .	159,305

For the purpose of funding care in nursing facilities, Program for All-Inclusive Care for the Elderly, or other long-term care services under the Medicaid fee-for-service and managed care programs. In addition to regular payments, five million dollars of General Revenue Funds along with related matching federal funds shall be used for one-time grants. Two hundred thousand dollars of the five million dollars of General Revenue Funds along with related matching federal funds are provided for one-time funding for facilities with Medicaid volume higher than 90%. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized

in 42 USC Section 1396(r)(2), exceeds ninety percent of the federal poverty level, and those persons whose income exceeds ninety percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From General Revenue Fund.....	\$89,824,139
From Federal Funds .....	269,622,960
From Uncompensated Care Fund .....	58,516,478
From Intergovernmental Transfer Fund .....	20,000,000
From Nursing Facility Federal Reimbursement Allowance Fund .....	8,072,284
From Healthy Families Trust Fund-Health Care Account .....	17,973
Total .....	\$721,176,769

**SECTION 11.465.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of funding all other non-institutional services, including, but not limited to, rehabilitation, optometry, audiology, ambulance, non-emergency medical transportation, durable medical equipment, and eyeglasses following cataract surgery under the Medicaid fee-for-service and managed care programs. A portion of this funding allows for contracted services related to prior authorization of certain Medicaid services. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds ninety percent of the federal poverty level, and those persons whose income exceeds ninety percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From General Revenue Fund.....	\$34,141,356
From Federal Funds .....	56,661,510
From Healthy Families Trust Fund-Health Care Account .....	831,745
From Health Initiatives Fund .....	194,881

For the purpose of funding non-emergency medical transportation. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds ninety percent of the federal poverty level, and those persons whose income exceeds ninety percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From General Revenue Fund.....	12,776,589
From Federal Funds .....	15,176,589
Total .....	\$119,782,670

**SECTION 11.470.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of funding the payment to comprehensive prepaid health care plans or for payments to providers of health care services for persons eligible for medical assistance under the Medicaid fee-for-service

programs or State Medical Program as provided by federal or state law or for payments to programs authorized by the Frail Elderly Demonstration Project Waiver as provided by the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508, Section 4744) and by Section 208.152 (22), RSMo. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount.

Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds ninety percent of the federal poverty level, and those persons whose income exceeds ninety percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From General Revenue Fund. . . . .	\$154,303,250
From Federal Funds . . . . .	459,515,560
From Health Initiatives Fund . . . . .	8,270,848
From Federal Reimbursement Allowance Fund. . . . .	116,112,906
From Healthy Families Trust Fund-Health Care Account. . . . .	4,447,110
Total. . . . .	<u>\$742,649,674</u>

**SECTION 11.475.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of funding hospital care under the Medicaid fee-for-service and managed care programs. The Division of Medical Services may adjust SFY 2004 costs of the uninsured payments to hospitals to reflect the impact on hospitals of the elimination of Medicaid coverage for adults with incomes above 77 percent of the federal poverty level and who were covered through a Section 1931 transfer. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds ninety percent of the federal poverty level, and those persons whose income exceeds ninety percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From General Revenue Fund. . . . .	\$19,219,173
From Federal Funds . . . . .	353,845,569
From Uncompensated Care Fund . . . . .	29,383,522
From Federal Reimbursement Allowance Fund. . . . .	108,958,465
From Health Initiatives Fund . . . . .	2,797,179
From Healthy Families Trust Fund-Health Care Account. . . . .	2,365,987

For Safety Net Payments

From Healthy Families Trust Fund-Health Care Account . . . . .	30,365,444
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For Graduate Medical Education

From Health Families Trust Fund-Health Care Account. . . . .	10,000,000
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For the purpose of funding a community-based care coordinating program that includes in-home visits and/or phone contact by a nurse care manager or electronic monitor. The purpose of such program shall be to ensure that patients are discharged from hospitals to an appropriate level of care and

services and that targeted Medicaid beneficiaries with chronic illnesses and high-risk pregnancies receive care in the most cost-effective setting. Areas of implementation shall include but not be limited to Greene County. The project shall be contingent upon adoption of an offsetting increase in the applicable provider tax and administered by the Division of Medical Services' Disease Management Program

From Federal Funds .....	80,000
From Federal Reimbursement Allowance Fund.....	80,000

For the purpose of funding hospital care under the Medicaid fee-for-service and managed care programs, and funding costs incurred by hospitals for the staffing of the emergency department with Medicaid enrolled physicians of Level I, II, III Trauma Centers as defined by the Department of Health & Senior Services and Critical Access Hospitals as defined by the Department of Social Services Division of Medical Services, contingent upon adoption of an offsetting increase in the applicable provider tax

From Federal Funds .....	30,000,000
From Federal Reimbursement Allowance Fund.....	20,000,000

For the purpose of continuing funding in Southwest Missouri of the pager project designed to assist those Medicaid recipients with a high utilization of pharmaceuticals in order to treat chronic illness. Additionally, such project will be replicated in metropolitan Kansas City. The project shall be contingent upon adoption of an offsetting increase in the applicable provider tax and administered by the Division of Medical Services' Disease Management Program

From Federal Funds .....	60,000
From Federal Reimbursement Fund.....	60,000
Total.....	\$607,215,339

**SECTION 11.476.**— To the Department of Social Services

For the Division of Medical Services

For payment to Tier 1 Safety Net Hospitals, by maximizing eligible costs for federal Medicaid funds, utilizing current state and local funding sources as match for services that are not currently matched with federal Medicaid payments

From Federal Funds.....	\$23,000,000
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**SECTION 11.480.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of funding grants to Federally Qualified Health Centers.

The single state agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount.

Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds ninety percent of the federal poverty level, and those persons whose income exceeds ninety percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From General Revenue Fund.....	\$2,000,000
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**SECTION 11.485.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of funding payments to hospitals under the Federal Reimbursement Allowance Program and for the expenses of the Poison Control Center in order to provide services to all hospitals within the state. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds ninety percent of the federal poverty level, and those persons whose income exceeds ninety percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From Federal Funds. . . . .	\$384,999,999E
From Federal Reimbursement Allowance Fund. . . . .	1E
Total. . . . .	\$385,000,000

**SECTION 11.490.** — To the Department of Social Services

For the Division of Medical Services

For funding programs to enhance access to health care for uninsured adults by using fee-for-service, prepaid health plans, or other alternative service delivery and reimbursement methodology approved by the director of the Department of Social Services. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds ninety percent of the federal poverty level, and those persons whose income exceeds ninety percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From General Revenue Fund. . . . .	\$2,286,649
From Federal Funds . . . . .	3,076,630
From Federal Reimbursement Allowance Fund. . . . .	423,516
From Pharmacy Reimbursement Allowance Fund . . . . .	89,128

For the purpose of funding health care services provided to uninsured adults through local initiatives for the uninsured. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds ninety percent of the federal poverty level, and those persons whose income exceeds ninety percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From Federal and Other Funds. . . . .	1E
Total. . . . .	\$5,875,924

**SECTION 11.495.** — To the Department of Social Services

For the Division of Medical Services

For funding programs to enhance access to care for uninsured children using fee-for-services, prepaid health plans, or other alternative service

delivery and reimbursement methodology approved by the director of the Department of Social Services. Provided that the Department shall implement co-payments as provided in Sections 208.631 to 208.657, RSMo. In order to be eligible, and pursuant to the provisions of Sections 208.631 to 208.657, RSMo, parents and guardians of uninsured children with incomes between two hundred twenty-six and three hundred percent of the federal poverty level shall submit with their application two health insurance quotes from insurers providing services in their community. Said quotes shall exceed one hundred thirty-three percent of the average monthly premium currently required in the Missouri Consolidated Health Care Plan. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds ninety percent of the federal poverty level, and those persons whose income exceeds ninety percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From General Revenue Fund.....	\$1,626,088
From Federal Funds .....	68,489,763
From Federal Reimbursement Allowance Fund.....	8,300,000
From Health Initiatives Fund . . . . .	4,999,173
From Pharmacy Rebates Fund . . . . .	225,430
From Pharmacy Reimbursement Allowance Fund . . . . .	201,394
From Premium Fund. . . . .	1,000,000
Total. . . . .	\$84,841,848

**SECTION 11.500.**— To the Department of Social Services

For the Division of Medical Services

For the purpose of funding uncompensated care payments to the St. Louis

Regional Disproportionate Share Hospital funding authority

From Federal Funds. . . . . \$25,000,000E

**SECTION 11.505.**— There is transferred out of the State Treasury, chargeable to the General Revenue Fund, \$180,000,000 to the Federal Reimbursement Allowance Fund

From General Revenue Fund..... \$180,000,000E

**SECTION 11.510.**— There is transferred out of the State Treasury, chargeable to the Federal Reimbursement Allowance Fund, \$180,000,000 to the General Revenue Fund as a result of reconciling the Federal Reimbursement Allowance Fund

From Federal Reimbursement Allowance Fund..... \$180,000,000E

**SECTION 11.515.**— There is transferred out of the State Treasury, chargeable to the General Revenue Fund, \$120,000,000 to the Nursing Facility Federal Reimbursement Allowance Fund

From General Revenue Fund..... \$120,000,000E

**SECTION 11.520.**— There is transferred out of the State Treasury, chargeable to the Nursing Facility Federal Reimbursement Allowance Fund,

\$120,000,000 to the General Revenue Fund as a result of reconciling  
the Nursing Facility Federal Reimbursement Allowance Fund  
From Nursing Facility Federal Reimbursement Allowance Fund. . . . . \$120,000,000E

**SECTION 11.525.**— There is transferred out of the State Treasury, chargeable  
to the Nursing Facility Federal Reimbursement Allowance Fund, \$1,500,000  
to the Nursing Facility Quality of Care Fund  
From Nursing Facility Federal Reimbursement Allowance Fund. . . . . \$1,500,000

**SECTION 11.530.**— To the Department of Social Services  
For the Division of Medical Services  
For the purpose of funding Nursing Facility Federal Reimbursement Allowance  
payments as provided by law. The single agency administering the  
Medicaid program is only authorized to reimburse for benefits that  
exceed a recipient's spend down amount. Monies are not appropriated  
for coverage of medical assistance for persons whose incomes, calculated  
using less restrictive income methodologies, as authorized in 42 USC  
Section 1396(r)(2), exceeds ninety percent of the federal poverty level,  
and those persons whose income exceeds ninety percent of the federal  
poverty level will not be eligible for old age assistance benefits,  
permanent and total disability benefits, or aid to the blind benefits  
From Federal Funds. . . . . \$184,999,999E  
From Nursing Facility Federal Reimbursement Allowance Fund. . . . . 1E  
Total. . . . . \$185,000,000

**SECTION 11.535.**— To the Department of Social Services  
For the Division of Medical Services  
For the purpose of funding Medicaid services for the Department of Elementary  
and Secondary Education under the Medicaid fee-for-service and managed  
care programs. The single agency administering the Medicaid program is  
only authorized to reimburse for benefits that exceed a recipient's spend  
down amount. Monies are not appropriated for coverage of medical  
assistance for persons whose incomes, calculated using less restrictive  
income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds  
ninety percent of the federal poverty level, and those persons whose income  
exceeds ninety percent of the federal poverty level will not be eligible for  
old age assistance benefits, permanent and total disability benefits, or  
aid to the blind benefits  
From Federal Funds. . . . . \$33,230,000E

**SECTION 11.545.**— To the Department of Social Services  
For the Division of Medical Services  
For the purpose of funding home-delivered meals distributed according to  
formula to the Area Agencies on Aging in the Department of Health and  
Senior Services. The single agency administering the Medicaid program  
is only authorized to reimburse for benefits that exceed a recipient's spend  
down amount. Monies are not appropriated for coverage of medical  
assistance for persons whose incomes, calculated using less restrictive  
income methodologies, as authorized in 42 USC Section 1396(r)(2),  
exceeds ninety percent of the federal poverty level, and those persons  
whose income exceeds ninety percent of the federal poverty level will not  
be eligible for old age assistance benefits, permanent and total disability

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benefits, or aid to the blind benefits  
 From Federal Funds. . . . . \$4,191,968E

**SECTION 11.550.**— To the Department of Social Services  
 For the Division of Medical Services

For the purpose of funding medical benefits for recipients of the State Medical Program, including coverage in managed care programs. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds ninety percent of the federal poverty level, and those persons whose income exceeds ninety percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits

From General Revenue Fund. . . . . \$35,544,655  
 From Health Initiatives Fund . . . . . 353,437  
 From Pharmacy Reimbursement Allowance Fund. . . . . 846,090  
 Total. . . . . \$36,744,182

**SECTION 11.555.**— To the Department of Social Services  
 For the Division of Medical Services

For the purpose of funding appropriations for any medical service under the Medicaid fee-for-service, managed care, or State Medical programs, including related services. Appropriations shall not be used to provide reimbursement for adult dental services provided after July 1, 2003. Monies are not appropriated for coverage of medical assistance for persons whose incomes, calculated using less restrictive income methodologies, as authorized in 42 USC Section 1396(r)(2), exceeds ninety percent of the federal poverty level, and those persons whose income exceeds ninety percent of the federal poverty level will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits. The single agency administering the Medicaid program is only authorized to reimburse for benefits that exceed a recipient's spend down amount

From Federal Funds. . . . . \$24,107,486  
 From Premium Fund. . . . . 3,837,940  
 From Third Party Liability Collections . . . . . 11,399,997  
 From Uncompensated Care Fund . . . . . 1  
 From Pharmacy Rebates Fund . . . . . 1  
 From Federal Reimbursement Allowance Fund. . . . . 1  
 From Nursing Facility Federal Reimbursement Allowance Fund . . . . . 181,500

For the purpose of funding Upper Payment Limit maximization transactions

From Federal Funds . . . . . 20,500,000  
 From Intergovernmental Transfer Fund . . . . . 13,000,000  
 Total. . . . . \$73,026,926

**SECTION 11.560.**— There is transferred out of the State Treasury from Federal Funds to the Enhanced Federal Matching Proceeds Fund

From Federal Funds. . . . . \$208,220,000

**SECTION 11.565.**— To the Department of Social Services

For the purpose of funding computer equipment for field and line staff

Expense and Equipment

From General Revenue Fund. . . . . \$1,113,203

From Federal Funds . . . . . 599,417

For the purpose of funding training for field and line staff

Expense and Equipment

From General Revenue Fund. . . . . 244,845

From Federal Funds. . . . . 131,840

Total (0 F.T.E.). . . . . \$2,089,305

**BILL TOTALS**

General Revenue Fund. . . . . \$1,203,065,524

Federal Funds. . . . . 4,005,507,349

Other Funds. . . . . 353,194,192

Total. . . . . \$5,561,767,065

Approved June 30, 2003

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**HB 102 [HB 102]****EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2003 and ending June 30, 2004, as follows:

**SECTION 2.005.**— To the Department of Elementary and Secondary Education

For the Division of General Administration

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . . \$2,647,037

Personal Service. . . . . 1,144,369

Expense and Equipment .. . . . 1,367,486

From Federal Funds. . . . . 2,511,855

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Personal Service . . . . .	247,524
Expense and Equipment. . . . .	<u>2,681,686</u>
From Excellence in Education Fund . . . . .	2,929,210

Expense and Equipment	
From Federal Funds . . . . .	3,000,000
From Lottery Proceeds Fund. . . . .	<u>110,880</u>
Total (Not to exceed 97.50 F.T.E.). . . . .	\$11,198,982

**SECTION 2.010.**— To the Department of Elementary and Secondary Education  
For construction and site acquisition costs to accommodate any reasonably  
anticipated net enrollment increase caused by any reduction or elimination  
of the voluntary transfer plan as approved by the United States Court of the  
Eastern District of Missouri pursuant to Senate Bill 781 (1998)

From General Revenue Fund. . . . .	\$16,500,000
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**SECTION 2.015.**— To the Department of Elementary and Secondary Education  
For distributions to the free public schools under the School Foundation Program  
as provided in Chapter 163, RSMo as follows: At least \$1,718,394,978 for  
the Equity Formula; and no more than: \$357,462,692 for the Line 14  
At-Risk Program; \$152,167,319 for Transportation; \$149,617,982 for  
Special Education; \$11,096,925 for Remedial Reading; \$81,274,784 for  
Early Childhood Special Education; \$23,415,942 for Gifted Education;  
\$37,297,656 for Career Ladder; \$52,080,428 for Vocational Education;  
\$27,895,976 for Early Childhood Development

From Outstanding Schools Trust Fund. . . . .	\$393,181,996
From State School Moneys Fund. . . . .	2,128,729,689
From Lottery Proceeds Fund . . . . .	88,792,997

For State Board of Education operated school programs

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 864.83 F.T.E.). . . . .	42,548,819
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Personal Service . . . . .	1,577,832
Expense and Equipment. . . . .	<u>1,527,581</u>
From Federal Funds . . . . .	3,105,413

Expense and Equipment	
From Bingo Proceed for Education Fund. . . . .	<u>1,707,167</u>
Total (Not to exceed 888.72 F.T.E.). . . . .	\$2,658,066,081

**SECTION 2.020.**— To the Department of Elementary and Secondary Education  
For early grade literacy programs offered at Southeast Missouri State University

From General Revenue Fund. . . . .	\$105,000
From Lottery Proceeds Fund . . . . .	145,000
From Outstanding Schools Trust Fund. . . . .	<u>250,000</u>
Total. . . . .	\$500,000

**SECTION 2.025.**— To the Department of Elementary and Secondary Education  
For the School Food Services Program to reimburse schools for breakfasts and  
lunches

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From General Revenue Fund. . . . .	\$3,460,219
From Federal Funds . . . . .	<u>148,175,188E</u>
Total. . . . .	\$151,635,407

**SECTION 2.035.**— To the Department of Elementary and Secondary Education  
 For distributions to the public elementary and secondary schools in this state,  
 pursuant to Chapters 149 and 163, RSMo, pertaining to the Fair Share Fund  
 From Fair Share Fund. . . . . \$23,225,250E

**SECTION 2.040.**— To the Department of Elementary and Secondary Education  
 For distributions to the public elementary and secondary schools in this state,  
 pursuant to Chapters 144, 163, and 164, RSMo, pertaining to the School  
 District Trust Fund  
 From School District Trust Fund. . . . . \$693,947,458E

**SECTION 2.045.**— To the Department of Elementary and Secondary Education  
 For the apportionment to school districts, and state board operated school programs  
 for expense and equipment, one-half the amount accruing to the General  
 Revenue Fund from the County Foreign Insurance Tax  
 From General Revenue Fund. . . . . \$89,650,000E

**SECTION 2.050.**— To the Department of Elementary and Secondary Education  
 For costs associated with school district bonds  
 From School District Bond Fund. . . . . \$450,000

**SECTION 2.055.**— To the Department of Elementary and Secondary Education  
 For receiving and expending donations and federal funds provided that the  
 General Assembly shall be notified of the source of any new funds and  
 the purpose for which they shall be expended, in writing, prior to the  
 expenditure of said funds  
 From Federal and Other Funds. . . . . \$15,000,000

**SECTION 2.060.**— To the Department of Elementary and Secondary Education  
 For the Division of School Improvement  
 Personal Service and/or Expense and Equipment, provided that not more  
 than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund (Not to exceed 31.19 F.T.E.). . . . . \$1,457,251

Personal Service . . . . .	2,619,666
Expense and Equipment .. . . .	<u>4,656,520</u>
From Federal Funds (Not to exceed 64.07 F.T.E.). . . . .	7,276,186

Personal Service . . . . .	203,837
Expense and Equipment. . . . .	<u>28,120</u>
From Outstanding Schools Trust Fund (Not to exceed 6.3 F.T.E.) .. . . .	231,957

For the Division of Vocational and Adult Education  
 Personal Service and/or Expense and Equipment, provided that not more  
 than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund (Not to exceed 33.50 F.T.E.) . . . . . 1,421,536

Personal Service . . . . .	2,013,469
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Expense and Equipment.....	910,372
From Federal Funds (Not to exceed 58.00 F.T.E.).....	2,923,841

## For the Division of Special Education

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation	
From General Revenue Fund (Not to exceed 4.50 F.T.E.).....	223,846

Personal Service .....	1,637,545
Expense and Equipment.....	590,842
From Federal Funds (Not to exceed 42.50 F.T.E.).....	2,228,387

## For the Division of Teacher Quality and Urban Education

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation	
From General Revenue Fund (Not to exceed 27.00 F.T.E.).....	1,005,732

Personal Service .....	35,007
Expense and Equipment.....	382,366
From Federal Funds (Not to exceed 1 F.T.E.).....	417,373

Personal Service .....	76,921
Expense and Equipment.....	7,041
From Outstanding Schools Trust Fund (Not to exceed 2.00 F.T.E.).....	83,962
Total (Not to exceed 270.06 F.T.E.).....	\$17,270,071

**SECTION 2.065.**— To the Department of Elementary and Secondary Education

For the Technology Grants Program and for planning and implementing computer network infrastructure for public elementary and secondary schools, including computer access to the Department of Elementary and Secondary Education and to improve the use of classroom technology

From Federal Funds.....	\$12,162,366
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**SECTION 2.070.**— To the Department of Elementary and Secondary Education

For improving basic programs operated by local education agencies under Title I of the No Child Left Behind Act

From Federal Funds.....	\$190,000,000E
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**SECTION 2.075.**— To the Department of Elementary and Secondary Education

For the Reading First Grant Program under Title I of the No Child Left Behind Act

From Federal Funds.....	\$14,908,815E
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**SECTION 2.080.**— To the Department of Elementary and Secondary Education

For innovative educational program strategies under Title VI of the No Child Left Behind Act

From Federal Funds.....	\$11,000,000E
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**SECTION 2.085.**— To the Department of Elementary and Secondary Education

For programs for the gifted from interest earnings accruing in the Stephen Morgan Ferman Memorial for Education of the Gifted

From State School Moneys Fund.....	\$10,000E
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**SECTION 2.090.**— To the Department of Elementary and Secondary Education  
For the Missouri Scholars and Fine Arts Academies

From General Revenue Fund. . . . .	\$511,568
From Lottery Proceeds Fund. . . . .	158,156
Total. . . . .	<u>\$669,724</u>

**SECTION 2.095.**— To the Department of Elementary and Secondary Education  
For reimbursements to school districts for the Early Childhood Program,  
Hard-to-Reach Incentives, and Parent Education in conjunction with the  
Early Childhood Educational and Screening Program

From General Revenue Fund. . . . .	\$73,200
From Federal Funds . . . . .	824,000
From State School Moneys Fund. . . . .	125,000

For grants to higher education institutions or area vocational technical schools  
for the Child Development Associate Certificate Program in collaboration  
with the Coordinating Board for Higher Education

From Federal Funds . . . . .	400,000
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For grants to school districts under the Early Childhood Development, Education  
and Care Program, including up to \$25,000 in expense and equipment,  
for program administration

From Early Childhood Development, Education and Care Fund. . . . .	<u>16,545,112</u>
Total. . . . .	<u>\$17,967,312</u>

**SECTION 2.100.**— To the Department of Elementary and Secondary Education  
For the A+ Schools Program

From General Revenue Fund. . . . .	\$46,860
From Lottery Proceeds Fund. . . . .	12,563,100
Total. . . . .	<u>\$12,609,960</u>

**SECTION 2.105.**— To the Department of Elementary and Secondary Education  
For the Performance Based Assessment Program

From General Revenue Fund. . . . .	\$378,355
From Federal Funds . . . . .	7,184,722
From Outstanding Schools Trust Fund. . . . .	128,125
From Lottery Proceeds Fund. . . . .	<u>4,568,630</u>
Total. . . . .	<u>\$12,259,832</u>

**SECTION 2.110.**— To the Department of Elementary and Secondary Education  
For courses, exams, and other expenses that lead to high school students receiving  
college credit and Advanced Placement examination fees for low-income  
families

From Federal Funds. . . . .	\$407,250
From Lottery Proceeds Fund. . . . .	<u>711,786</u>
Total. . . . .	<u>\$1,119,036</u>

**SECTION 2.115.**— To the Department of Elementary and Secondary Education  
For school renovation grants

From Federal Funds. . . . .	\$14,252,588E
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**SECTION 2.120.**— To the Department of Elementary and Secondary Education

For the Instructional Improvement Grants Program pursuant to Title II  
Improving Teacher Quality

From Federal Funds. . . . . \$74,348,890E

**SECTION 2.125.** — To the Department of Elementary and Secondary Education  
For the Safe and Drug Free Schools Grants Program pursuant to Title IV of the  
No Child Left Behind Act

From Federal Funds. . . . . \$9,600,000E

**SECTION 2.130.** — To the Department of Elementary and Secondary Education  
For a safe schools initiative to include, but not be limited to, safe school grants,  
alternative education program grants, equipment, anti-violence curriculum  
development, and conflict resolution

From General Revenue Fund. . . . . \$200,000

From Lottery Proceeds Fund . . . . . 4,922,368

Total. . . . . \$5,122,368

**SECTION 2.135.** — To the Department of Elementary and Secondary Education  
For the Public Charter Schools Program

From Federal Funds. . . . . \$2,432,000

**SECTION 2.140.** — To the Department of Elementary and Secondary Education  
For the state's portion of the scholarship program for teacher education students  
in approved programs at four-year colleges or universities in Missouri  
pursuant to the Excellence in Education Act

From General Revenue Fund. . . . . \$249,000

For the state's portion for scholarships for minority students pursuant to Section  
161.415, RSMo

From Lottery Proceeds Fund . . . . . 200,000

Total. . . . . \$449,000

**SECTION 2.145.** — To the Department of Elementary and Secondary Education  
For grants to public schools for whole-school, research-based reform programs

From Federal Funds. . . . . \$8,000,000E

**SECTION 2.150.** — To the Department of Elementary and Secondary Education  
For grants to rural and low income schools

From Federal Funds. . . . . \$2,100,000

**SECTION 2.155.** — To the Department of Elementary and Secondary Education  
For language acquisition pursuant to Title III of the No Child Left Behind Act

From Federal Funds. . . . . \$2,600,000

**SECTION 2.160.** — To the Department of Elementary and Secondary Education  
For the Refugee Children School Impact Grants Program

From Federal Funds. . . . . \$800,000

**SECTION 2.165.** — To the Department of Elementary and Secondary Education  
For character education initiatives

From Federal Funds. . . . . \$600,000

From Lottery Proceeds Fund. . . . . 250,000

Total. . . . . \$850,000

**SECTION 2.170.**— To the Department of Elementary and Secondary Education  
For the Gold Star Schools Program

From Federal Funds. . . . . \$15,000

**SECTION 2.175.**— To the Department of Elementary and Secondary Education  
For the Schools with Distinction Program

From Federal Funds. . . . . \$13,000

**SECTION 2.180.**— To the Department of Elementary and Secondary Education  
For Transition to Teaching Program

From Federal Funds. . . . . \$1,000,000

For the Missouri State Action for Education Leadership Project

From Federal Funds. . . . . 300,000

Total. . . . . \$1,300,000

**SECTION 2.185.**— To the Department of Elementary and Secondary Education  
For the Division of Vocational Rehabilitation

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund (Not to exceed 7.50 F.T.E.). . . . . \$315,233

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

Personal Service . . . . . 26,357,200

Expense and Equipment. . . . . 4,628,028

From Federal Funds (Not to exceed 749.00 F.T.E.). . . . . 30,985,228

Total (Not to exceed 757.00 F.T.E.). . . . . \$31,300,461

**SECTION 2.190.**— To the Department of Elementary and Secondary Education  
For the Vocational Rehabilitation Program

From General Revenue Fund. . . . . \$10,571,518

From Federal Funds . . . . . 36,387,727

From Payments by the Department of Mental Health . . . . . 1,000,000

From Lottery Proceeds Fund. . . . . 1,400,000

Total. . . . . \$49,359,245

**SECTION 2.195.**— To the Department of Elementary and Secondary Education  
For the Disability Determination Program

From Federal Funds. . . . . \$18,000,000

**SECTION 2.200.**— To the Department of Elementary and Secondary Education  
For the Personal Care Assistance Program

From General Revenue Fund. . . . . \$28,170,927

From Federal Funds . . . . . 40,482,137E

Total. . . . . \$68,653,064

**SECTION 2.205.**— To the Department of Elementary and Secondary Education  
For Independent Living Centers

From General Revenue Fund. . . . . \$2,156,486

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From Federal Funds .....	1,592,546
From Independent Living Center Fund.....	<u>590,556</u>
Total.....	\$4,339,588

**SECTION 2.210.**— To the Department of Elementary and Secondary Education  
For the Project SUCCESS Program

From Federal Funds.....	\$500,000
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**SECTION 2.215.**— To the Department of Elementary and Secondary Education  
For distributions to providers of vocational education programs

From Federal Funds.....	\$32,064,693
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**SECTION 2.220.**— To the Department of Elementary and Secondary Education  
For job training programs pursuant to the Workforce Investment Act

From Federal Funds.....	\$6,797,937E
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**SECTION 2.225.**— To the Department of Elementary and Secondary Education  
For distributions to educational institutions for the Adult Basic Education Program

From General Revenue Fund.....	\$4,279,293
From Federal Funds .....	12,500,000
From Outstanding Schools Trust Fund.....	<u>525,313</u>
Total.....	\$17,304,606

**SECTION 2.230.**— To the Department of Elementary and Secondary Education  
For a grant award program for literacy and family literacy providers that offer  
services that are complementary to adult basic education

From General Revenue Fund.....	\$1,184,991
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**SECTION 2.235.**— To the Department of Elementary and Secondary Education  
For the School Age Child Care Program

From Federal Funds.....	\$12,138,563
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**SECTION 2.240.**— To the Department of Elementary and Secondary Education  
For the Troops to Teachers Program

From Federal Funds.....	\$153,610
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**SECTION 2.245.**— To the Department of Elementary and Secondary Education  
For the Special Education Program

From Federal Funds.....	\$182,315,211E
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**SECTION 2.250.**— To the Department of Elementary and Secondary Education  
For special education excess costs and severe disabilities services

From Federal Funds.....	\$4,257,267E
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**SECTION 2.255.**— To the Department of Elementary and Secondary Education  
For the First Steps Program

From General Revenue Fund.....	\$3,017,369
From Federal Funds .....	10,506,837
From Early Childhood Development, Education and Care Fund.....	<u>5,286,042</u>
Total.....	\$18,810,248

**SECTION 2.260.**— To the Department of Elementary and Secondary Education

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For payments to school districts for children in residential placements through  
the Department of Mental Health or the Department of Social Services  
pursuant to Section 167.126, RSMo

From General Revenue Fund. . . . .	\$3,130,731
From Lottery Proceeds Fund. . . . .	<u>6,968,606</u>
Total. . . . .	\$10,099,337

**SECTION 2.265.**— To the Department of Elementary and Secondary Education  
For operational maintenance and repairs for State Board of Education operated  
schools

From Facilities Maintenance Reserve Fund. . . . .	\$57,950
From Lottery Proceeds Fund . . . . .	<u>342,754</u>
Total. . . . .	\$400,704

**SECTION 2.270.**— To the Department of Elementary and Secondary Education  
For the Sheltered Workshops Program

From General Revenue Fund. . . . .	\$18,598,625
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**SECTION 2.275.**— To the Department of Elementary and Secondary Education  
For payments to readers for blind or visually handicapped students in elementary  
and secondary schools

From General Revenue Fund. . . . .	\$14,000
From State School Moneys Fund. . . . .	<u>25,000</u>
Total. . . . .	\$39,000

**SECTION 2.280.**— To the Department of Elementary and Secondary Education  
For a task force on blind student academic and vocational performance

From General Revenue Fund. . . . .	\$95,000
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**SECTION 2.285.**— To the Department of Elementary and Secondary Education  
For the Missouri School for the Deaf

From School for the Deaf Trust Fund. . . . .	\$25,000E
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**SECTION 2.290.**— To the Department of Elementary and Secondary Education  
For the Missouri School for the Blind

From School for the Blind Trust Fund. . . . .	\$1,500,000E
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**SECTION 2.295.**— To the Department of Elementary and Secondary Education  
For the State Schools for Severely Handicapped Children

From Handicapped Children's Trust Fund. . . . .	\$30,000E
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**SECTION 2.300.**— To the Department of Elementary and Secondary Education  
For the Missouri Commission for the Deaf and Hard of Hearing

Personal Service and/or Expense and Equipment, provided that not more  
than fifteen percent (15%) flexibility is allowed between each appropriation

From General Revenue Fund . . . . .	\$254,291
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Expense and Equipment

From Federal Funds . . . . .	50,000
From Certification of Interpreters Fund. . . . .	125,000
From Missouri Commission for Deaf and Hard of Hearing Fund. . . . .	<u>50,000</u>
Total (Not to exceed 7.00 F.T.E.). . . . .	\$479,291

**SECTION 2.305.**— To the Department of Elementary and Secondary Education  
Funds are to be transferred out of the State Treasury, chargeable to the  
General Revenue Fund, to the State School Moneys Fund

From General Revenue Fund. . . . . \$1,837,494,202

**SECTION 2.310.**— To the Department of Elementary and Secondary Education  
Funds are to be transferred out of the State Treasury, chargeable to the Gaming  
Proceeds for Education Fund, to the State School Moneys Fund

From Gaming Proceeds for Education Fund. . . . . \$231,380,000E

**SECTION 2.315.**— To the Department of Elementary and Secondary Education  
Funds are to be transferred out of the State Treasury, chargeable to the General  
Revenue Fund, to the Outstanding Schools Trust Fund

From General Revenue Fund. . . . . \$394,400,000E

**SECTION 2.320.**— To the Department of Elementary and Secondary Education  
Funds are to be transferred out of the State Treasury, chargeable to the Gaming  
Proceeds for Education Fund, to the School District Bond Fund

From Gaming Proceeds for Education Fund. . . . . \$450,000

#### **BILL TOTALS**

General Revenue Fund. . . . . \$2,464,161,089

Federal Funds. . . . . 927,318,630

Other Funds. . . . . 1,158,941,912

Total. . . . . \$4,550,421,631

Approved June 30, 2003

#### **HB 103 [HB 103]**

**EXPLANATION** — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the state treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2003 and ending June 30, 2004, as follows:

**SECTION 3.005.**— To the Department of Higher Education  
For Higher Education Coordination

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund . . . . . \$789,095

For regulation of proprietary schools as provided in Section 173.600, RSMo  
 Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund . . . . . 155,622

For MOSTARS grant and scholarship program administration  
 Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation  
 From General Revenue Fund. . . . . 275,951  
 Total (Not to exceed 21.90 F.T.E.). . . . . \$1,220,668

**SECTION 3.010.**— To the Department of Higher Education  
 For indemnifying individuals as a result of improper actions on the part of proprietary schools as provided in Section 173.612, RSMo  
 From Proprietary School Bond Fund. . . . . \$100,000

**SECTION 3.015.**— To the Department of Higher Education  
 For annual membership in the Midwestern Higher Education Commission  
 From General Revenue Fund. . . . . \$82,500

**SECTION 3.020.**— To the Department of Higher Education  
 For the Missouri Learners' Network  
 From Federal Funds. . . . . \$410,800

**SECTION 3.025.**— To the Department of Higher Education  
 For the State Anatomical Board  
 From General Revenue Fund. . . . . \$3,069

**SECTION 3.030.**— To the Department of Higher Education  
 For the Eisenhower Science and Mathematics Program and the Improving Teacher Quality State Grants Program  
 Personal Service. . . . . \$56,825  
 Expense and Equipment . . . . . 20,400  
 Federal Education Programs. . . . . 1,698,000  
 From Federal Funds (Not to exceed 1.00 F.T.E.). . . . . \$1,775,225

**SECTION 3.035.**— To the Department of Higher Education  
 For receiving and expending donations and federal funds provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the expenditure of said funds  
 From Federal and Other Funds. . . . . \$2,000,000

**SECTION 3.040.**— To the Department of Higher Education  
 Funds are to be transferred out of the state treasury, chargeable to the General Revenue Fund, to the Academic Scholarship Fund  
 From General Revenue Fund. . . . . \$15,787,000

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**SECTION 3.045.**— To the Department of Higher Education  
For the Higher Education Academic Scholarship Program pursuant to Chapter  
173, RSMo

From Academic Scholarship Fund. . . . . \$15,787,000E

**SECTION 3.050.**— To the Department of Higher Education  
Funds are to be transferred out of the state treasury, chargeable to the funds  
listed below, to the Student Grant Fund

From General Revenue Fund. . . . . \$15,578,436

From Federal Funds . . . . . 1,000,000E

From Missouri Student Grant Program Gift Fund. . . . . 50,000E

Total. . . . . \$16,628,436

**SECTION 3.055.**— To the Department of Higher Education  
For the Charles E. Gallagher Grants (Student Grants) Program pursuant to  
Chapter 173, RSMo

From Student Grant Fund. . . . . \$16,628,436E

**SECTION 3.060.**— To the Department of Higher Education  
Funds are to be transferred out of the state treasury, chargeable to the funds  
listed below, to the Missouri College Guarantee Fund

From General Revenue Fund. . . . . \$425,000

From Lottery Proceeds Fund. . . . . 2,750,000

Total. . . . . \$3,175,000

**SECTION 3.065.**— To the Department of Higher Education  
For the Missouri College Guarantee Program pursuant to Chapter 173, RSMo

From Missouri College Guarantee Fund. . . . . \$8,385,000E

**SECTION 3.070.**— To the Department of Higher Education  
Funds are to be transferred out of the state treasury, chargeable to the General  
Revenue Fund, to the Advantage Missouri Trust Fund

From General Revenue Fund. . . . . \$629,000

**SECTION 3.075.**— To the Department of Higher Education  
For the Advantage Missouri Program pursuant to Chapter 173, RSMo

From Advantage Missouri Trust Fund. . . . . \$629,000

**SECTION 3.080.**— To the Department of Higher Education  
For the Public Service Officer or Employee Survivor Grant Program pursuant  
to Section 173.260, RSMo

From General Revenue Fund. . . . . \$38,250

**SECTION 3.085.**— To the Department of Higher Education  
For the Vietnam Veterans Survivors Scholarship Program pursuant to Section  
173.235, RSMo

From General Revenue Fund. . . . . \$10,200

**SECTION 3.090.**— To the Department of Higher Education  
Funds are to be transferred out of the state treasury, chargeable to the General  
Revenue Fund, to the Marguerite Ross Barnett Scholarship Fund

From General Revenue Fund. . . . . \$425,000

**SECTION 3.095.**— To the Department of Higher Education

For the Marguerite Ross Barnett Scholarship Program pursuant to Section

173.262, RSMo

From Marguerite Ross Barnett Scholarship Fund. . . . . \$425,000E

**SECTION 3.100.**— To the Department of Higher Education

For the GEAR UP Program

Personal Service. . . . . \$252,560

Expense and Equipment . . . . . 554,480

Federal Education Programs. . . . . 697,572

From Federal Funds . . . . . 1,504,612

For scholarships

From GEAR UP Scholarship Fund. . . . . 200,000E

Total (Not to exceed 6.50 F.T.E.). . . . . \$1,704,612

**SECTION 3.105.**— To the Department of Higher Education

For the Missouri Guaranteed Student Loan Program

Personal Service. . . . . \$2,138,935

Expense and Equipment . . . . . 8,167,406

Payment of fees for collection of defaulted loans . . . . . 4,000,000E

Payment of penalties to the federal government associated with  
late deposit of default collections. . . . . 1,000,000

From Guaranty Agency Operating Fund. . . . . 15,306,341

Personal Service. . . . . 87,920

Expense and Equipment. . . . . 2,612,500

From U.S. Department of Education/Coordinating Board for Higher

Education P.L. 105-33 interest account. . . . . 2,700,420

Total (Not to exceed 59.33 F.T.E.). . . . . \$18,006,761

**SECTION 3.110.**— To the Department of Higher Education

For the E-Government Initiative

Personal Service. . . . . \$371,000

Expense and Equipment . . . . . 114,400

From Guaranty Agency Operating Fund (Not to exceed 6.00 F.T.E.). . . . . \$485,400

**SECTION 3.115.**— To the Department of Higher Education

Funds are to be transferred out of the state treasury, chargeable to the Federal

Student Loan Reserve Fund, to the Guaranty Agency Operating Fund

From Federal Student Loan Reserve Fund. . . . . \$8,000,000E

**SECTION 3.120.**— To the Department of Higher Education

For purchase of defaulted loans, payment of default aversion fees, reimbursement

to the federal government, and investment of funds in the Federal Student

Loan Reserve Fund

From Federal Student Loan Reserve Fund. . . . . \$85,000,000

**SECTION 3.125.**— To the Department of Higher Education

For payment of refunds set off against debt as required by Section 143.786,

RSMo

From Debt Offset Escrow Fund. . . . . \$750,000E

**SECTION 3.130.**— To the Department of Higher Education

Funds are to be transferred out of the state treasury, chargeable to the Guaranty  
Agency Operating Fund, to the Federal Student Loan Reserve Fund

From Guaranty Agency Operating Fund. . . . . \$2,000,001E

**SECTION 3.135.**— To the Department of Higher Education

For distribution to community colleges as provided in Section 163.191, RSMo

From General Revenue Fund. . . . . \$85,821,217

From Lottery Proceeds Fund . . . . . 5,564,239

For program improvements in workforce preparation with the emphasis to provide  
education and training at community colleges for unemployed and under-  
employed citizens

From General Revenue Fund. . . . . 1,605,600

For selected out-of-district courses

From General Revenue Fund. . . . . 1,148,458

For workforce preparation projects

From General Revenue Fund. . . . . 14,580,036

From Lottery Proceeds Fund . . . . . 1,332,353

For Regional Technical Education Initiatives

From General Revenue Fund. . . . . 19,969,650

Total (0 F.T.E.). . . . . \$130,021,553

**SECTION 3.140.**— To the Department of Higher Education

For community colleges

For the payment of refunds set off against debt as required by Section  
143.786, RSMo

From Debt Offset Escrow Fund. . . . . \$250,000E

**SECTION 3.145.**— To Linn State Technical College

All Expenditures

From General Revenue Fund. . . . . \$4,013,359

From Lottery Proceeds Fund . . . . . 420,528

For the payment of refunds set off against debt as required by Section

143.786, RSMo

From Debt Offset Escrow Fund. . . . . 30,000E

Total. . . . . \$4,463,887

**SECTION 3.150.**— To Central Missouri State University

All Expenditures

From General Revenue Fund. . . . . \$47,581,763

From Lottery Proceeds Fund . . . . . 4,985,715

For the payment of refunds set off against debt as required by Section

143.786, RSMo

From Debt Offset Escrow Fund. . . . . 75,000E

Total. . . . . \$52,642,478

**SECTION 3.155.**— To Southeast Missouri State University

All Expenditures	
From General Revenue Fund. . . . .	\$38,746,088
From Lottery Proceeds Fund . . . . .	4,059,895
For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund. . . . .	<u>75,000E</u>
Total. . . . .	\$42,880,983

**SECTION 3.160.**— To Southwest Missouri State University

All Expenditures	
From General Revenue Fund. . . . .	\$70,556,784
From Lottery Proceeds Fund . . . . .	7,200,409
For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund. . . . .	<u>75,000E</u>
Total. . . . .	\$77,832,193

**SECTION 3.165.**— To Lincoln University

All Expenditures	
From General Revenue Fund. . . . .	\$14,809,240
From Lottery Proceeds Fund . . . . .	1,551,205
For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund. . . . .	<u>75,000E</u>
Total. . . . .	\$16,435,445

**SECTION 3.170.**— To Truman State University

All Expenditures	
From General Revenue Fund. . . . .	\$36,037,739
From Lottery Proceeds Fund . . . . .	3,776,109
For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund. . . . .	<u>75,000E</u>
Total. . . . .	\$39,888,848

**SECTION 3.175.**— To Northwest Missouri State University

All Expenditures	
From General Revenue Fund. . . . .	\$26,567,514
From Lottery Proceeds Fund . . . . .	2,599,805
For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund. . . . .	<u>75,000E</u>
Total. . . . .	\$29,242,319

**SECTION 3.180.**— To Missouri Southern State College

All Expenditures	
From General Revenue Fund. . . . .	\$18,650,971

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From Lottery Proceeds Fund . . . . . 1,722,820

For the payment of refunds set off against debt as required by Section

143.786, RSMo

From Debt Offset Escrow Fund. . . . . 75,000E

Total. . . . . \$20,448,791

**SECTION 3.185.**— To Missouri Western State College

All Expenditures

From General Revenue Fund. . . . . \$18,316,664

From Lottery Proceeds Fund . . . . . 1,768,039

For the payment of refunds set off against debt as required by Section

143.786, RSMo

From Debt Offset Escrow Fund. . . . . 75,000E

Total. . . . . \$20,159,703

**SECTION 3.190.**— To Harris-Stowe State College

All Expenditures

From General Revenue Fund. . . . . \$8,672,328

From Lottery Proceeds Fund . . . . . 908,704

For the payment of refunds set off against debt as required by Section

143.786, RSMo

From Debt Offset Escrow Fund. . . . . 75,000E

Total. . . . . \$9,656,032

**SECTION 3.195.**— To the University of Missouri

For operation of its various campuses and programs

All Expenditures

From General Revenue Fund. . . . . \$351,869,336

From Lottery Proceeds Fund . . . . . 36,869,596

For the payment of refunds set off against debt as required by Section

143.786, RSMo

From Debt Offset Escrow Fund. . . . . 200,000E

Total. . . . . \$388,938,932

**SECTION 3.200.**— To the University of Missouri

For the Missouri Bibliographic and Information User System (MOBIUS)

All Expenditures

From General Revenue Fund. . . . . \$649,539

**SECTION 3.205.**— To the University of Missouri

For the Missouri Research and Education Network (MOREnet)

All Expenditures

From General Revenue Fund. . . . . \$15,004,401

**SECTION 3.210.**— To the University of Missouri

For the University of Missouri Hospital and Clinics

All Expenditures

From General Revenue Fund. . . . . \$8,911,671

**SECTION 3.215.**— To the University of Missouri  
For the Ellis Fischel Cancer Center

All Expenditures  
From General Revenue Fund. . . . . \$4,223,786

**SECTION 3.220.**— To the University of Missouri  
For the Missouri Rehabilitation Center

All Expenditures  
From General Revenue Fund. . . . . \$10,116,691

**SECTION 3.225.**— To the University of Missouri  
For Alzheimer's disease research

All Expenditures  
From General Revenue Fund. . . . . \$227,375

**SECTION 3.230.**— To the University of Missouri  
For a program of research into spinal cord injuries

All Expenditures  
From Spinal Cord Injury Fund. . . . . \$375,000

**SECTION 3.235.**— To the University of Missouri  
For the Missouri Institute of Mental Health

All Expenditures  
From General Revenue Fund. . . . . \$2,299,850

**SECTION 3.240.**— To the University of Missouri  
For the treatment of renal disease in a statewide program

All Expenditures  
From General Revenue Fund. . . . . \$4,016,774

**SECTION 3.245.**— To the University of Missouri  
For the State Historical Society

All Expenditures  
From General Revenue Fund. . . . . \$922,601

**SECTION 3.250.**— To the Board of Curators of the University of Missouri  
For investment in registered federal, state, county, municipal, or school district  
bonds as provided by law

From State Seminary Fund. . . . . \$1,500,000

**SECTION 3.255.**— To the Board of Curators of the University of Missouri  
For the use of the University of Missouri

From State Seminary Moneys Fund, Income from Investments. . . . . \$250,000

**BILL TOTALS**

General Revenue Fund. . . . .	\$839,518,558
Federal Funds. . . . .	6,690,637
Other Funds. . . . .	<u>181,476,578</u>
Total. . . . .	\$1,027,685,773

Approved June 30, 2003

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# TABLE OF SPONSORS FOR 2003 LEGISLATION

BILL NUMBER	SPONSOR(S) OF INTRODUCED BILL	BILL HANDLER(S) (OPPOSITE CHAMBER)
HB 0001	Bearden, Carl	Russell, John T.
HB 0002	Bearden, Carl	Russell, John T.
HB 0003	Bearden, Carl	Russell, John T.
HB 0004	Bearden, Carl	Russell, John T.
HB 0005	Bearden, Carl	Russell, John T.
HB 0006	Bearden, Carl	Russell, John T.
HB 0007	Bearden, Carl	Russell, John T.
HB 0008	Bearden, Carl	Russell, John T.
HB 0009	Bearden, Carl	Russell, John T.
HB 0010	Bearden, Carl	Russell, John T.
HB 0011	Bearden, Carl	Russell, John T.
HB 0012	Bearden, Carl	Russell, John T.
HB 0013	Bearden, Carl	Russell, John T.
HB 0014	Bearden, Carl	Russell, John T.
HB 0015	Bearden, Carl	Russell, John T.
HB 0016	Bearden, Carl	Russell, John T.
HB 0017	Bearden, Carl	Russell, John T.
HB 0018	Bearden, Carl	Russell, John T.
HB 0019	Bearden, Carl	Russell, John T.
HB 0020	Bearden, Carl	Russell, John T.
HB 0057	Wilson, Vicky Riback	Jacob, Ken
HB 0059	Johnson, Connie "LaJoyce"	Shields, Charles W.

<b>BILL NUMBER</b>	<b>SPONSOR(S) OF INTRODUCED BILL</b>	<b>BILL HANDLER(S) (OPPOSITE CHAMBER)</b>
HB 0060	Sutherland, Mike	Griesheimer, John E.
HB 0075	Ruestman, Marilyn Wilson, Kevin	Childers, Doyle
HB 0093	Moore, Danielle	Childers, Doyle
HB 0097	Johnson, Rick	Stoll, Stephen M.
HB 0099	Seigfreid, James	Mathewson, James L.
HB 0121	Portwood, Dr. Charles R. Stefanick, Jodi A.	Shields, Charles W.
HB 0122	Johnson, Robert Thane	Bland, Mary Groves
HB 0131	Deeken, Bill	Griesheimer, John E.
HB 0133	Willoughby, Philip	Quick, Edward E.
HB 0138	Crawford, Larry Self, Tom	Klindt, David
HB 0141	Mayer, Robert	Bartle, Matt
HB 0152	Johnson, Robert Thane Curls, Melba J.	Bartle, Matt
HB 0156	Phillips, Susan C. Reinhart, Annie	Cauthorn, John W.
HB 0162	Shoemaker, Chris	Cauthorn, John W.
HB 0166	Baker, Brian	Caskey, Harold L.
HB 0181	Seigfreid, James Smith, Todd	Mathewson, James L.
HB 0185	Schneider, Vicki Brown, Jason	Gross, Chuck
HB 0187	Cooper, Shannon Davis, D. J.	Dolan, Jon
HB 0199	Jolly, Cathy Johnson, Robert Thane	Wheeler, Charles B.
HB 0202	Portwood, Dr. Charles R. Hunter, Steve	Steelman, Sarah

## Table of Sponsors, 2003

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<b>BILL NUMBER</b>	<b>SPONSOR(S) OF INTRODUCED BILL</b>	<b>BILL HANDLER(S) (OPPOSITE CHAMBER)</b>
HB 0208	Engler, Kevin Jetton, Rod	Kinder, Peter D.
HB 0221	Luetkemeyer, Blaine Pearce, David	Yeckel, Anita
HB 0228	Smith, Joe Bearden, Carl	Goode, Wayne
HB 0244	Baker, Brian Cooper, Shannon	Caskey, Harold L.
HB 0245	Marsh, B.J. Wright, Mark	Clemens, Dan
HB 0247	Ward, Dan Selby, Harold R.	Kennedy, Harry
HB 0249	Seigfreid, James	Mathewson, James L.
HB 0253	Shoemaker, Chris Fraser, Barbara	Mathewson, James L.
HB 0254	Byrd, Richard	Klindt, David
HB 0257	Munzlinger, Brian Hobbs, Steve	Cauthorn, John W.
HB 0261	Whorton, James Seigfreid, James	Klindt, David
HB 0267	Smith, Todd Wilson, Larry	Griesheimer, John E.
HB 0277	Wright, Mark	Champion, Norma
HB 0278	Davis, Cynthia Parker, Sherman	Dolan, Jon
HB 0286	Bearden, Carl Campbell, Marsha	Shields, Charles W.
HB 0289	Dempsey, Tom Johnson, Robert Thane	Steelman, Sarah
HB 0292	Wagner, Wes	Stoll, Stephen M.
HB 0307	Meridith, Denny J. Shoemaker, Chris	Foster, Bill
HB 0314	Engler, Kevin	Gross, Chuck

<b>BILL NUMBER</b>	<b>SPONSOR(S) OF INTRODUCED BILL</b>	<b>BILL HANDLER(S) (OPPOSITE CHAMBER)</b>
HB 0318	Baker, Brian Davis, D. J.	Caskey, Harold L.
HB 0326	Wagner, Wes Engler, Kevin	Stoll, Stephen M.
HB 0327	Lipke, Scott A. Mayer, Robert	Dolan, Jon
HB 0332	Portwood, Dr. Charles R. Hunter, Steve	Steelman, Sarah
HB 0346	Dempsey, Tom Smith, Todd	Foster, Bill
HB 0348	Dempsey, Tom Wright, Mark	Griesheimer, John E.
HB 0349	Crawford, Larry Sander, Therese	Caskey, Harold L.
HB 0351	Quinn, John Shoemaker, Chris	Klindt, David
HB 0356	Smith, Todd	Scott, Delbert L.
HB 0358	Boykins, Amber (Holly)	Coleman, Maida
HB 0371	Dusenberg, Gary Brown, Jason	Dolan, Jon
HB 0375	Cooper, Shannon	Scott, Delbert L.
HB 0376	Cooper, Shannon	Caskey, Harold L.
HB 0380	Byrd, Richard Luetkemeyer, Blaine	Bartle, Matt
HB 0388	Wilson, Vicky Riback Graham, Chuck	Jacob, Ken
HB 0390	Behnen, Bob Crowell, Jason	Cauthorn, John W.
HB 0392	Avery, Jim Bivins, Walt	Griesheimer, John E.
HB 0394	Byrd, Richard St. Onge, Neal C.	Caskey, Harold L.

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<b>BILL NUMBER</b>	<b>SPONSOR(S) OF INTRODUCED BILL</b>	<b>BILL HANDLER(S) (OPPOSITE CHAMBER)</b>
HB 0401	Pratt, Bryan Bearden, Carl	Klindt, David
HB 0430	Stevenson, Bryan P. Pratt, Bryan	Caskey, Harold L.
HB 0440	Portwood, Dr. Charles R.	Steelman, Sarah
HB 0444	Jackson, Jack Shoemaker, Chris	Yeckel, Anita
HB 0445	Portwood, Dr. Charles R. Cooper, M.D., Robert Wayne	Loudon, John William
HB 0455	Thompson, Betty L. Johnson, Connie "LaJoyce"	Kinder, Peter D.
HB 0463	King, Jerry R Viebrock, Jim	Caskey, Harold L.
HB 0464	King, Jerry R Munzlinger, Brian	Klindt, David
HB 0465	Hanaway, Catherine L Crowell, Jason	Kinder, Peter D.
HB 0470	Mayer, Robert Parker, Sherman	Bartle, Matt
HB 0472	Johnson, Robert Thane	Bartle, Matt
HB 0477	Moore, Danielle Wildberger, Edward	Shields, Charles W.
HB 0478	Moore, Danielle Seigfreid, James	Yeckel, Anita
HB 0491	Rupp, Scott T. Bearden, Carl	Dolan, Jon
HB 0493	Bruns, Mark J. Icet, Allen	Dolan, Jon
HB 0511	Deeken, Bill May, Bob	Yeckel, Anita
HB 0512	Cooper, Shannon Jetton, Rod	Bartle, Matt
HB 0521	Dethrow, Mike LeVota, Paul	Childers, Doyle

<b>BILL NUMBER</b>	<b>SPONSOR(S) OF INTRODUCED BILL</b>	<b>BILL HANDLER(S) (OPPOSITE CHAMBER)</b>
HB 0523	Dusenberg, Gary Crawford, Larry	Vogel, Carl M.
HB 0552	Kingery, Gayle	Foster, Bill
HB 0553	Smith, Joe Parker, Sherman	Gross, Chuck
HB 0554	Engler, Kevin Barnitz, Frank A.	Foster, Bill
HB 0574	Jackson, Jack Selby, Harold R.	Griesheimer, John E.
HB 0575	Dethrow, Mike Kingery, Gayle	Foster, Bill
HB 0594	Emery, Edgar G. H. Stevenson, Bryan P.	Nodler, Gary
HB 0597	Schlottach, Charles Threlkeld, Kevin	Dolan, Jon
HB 0598	Schlottach, Charles Viebrock, Jim	Dolan, Jon
HB 0599	Burnett, John P. Carnahan, Russ	Wheeler, Charles B.
HB 0600	Cooper, Shannon Pearce, David	Shields, Charles W.
HB 0613	Byrd, Richard Mayer, Robert	Bartle, Matt
HB 0640	Walton, Juanita Head Brooks, Sharon Sanders	Days, Rita Heard
HB 0655	Wilson, Kevin Schlottach, Charles	Foster, Bill
HB 0668	Crawford, Larry Black, Lanie	Dolan, Jon
HB 0679	Hanaway, Catherine L Parker, Sherman	Shields, Charles W.
HB 0688	Hanaway, Catherine L St. Onge, Neal C.	Kinder, Peter D.

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<b>BILL NUMBER</b>	<b>SPONSOR(S) OF INTRODUCED BILL</b>	<b>BILL HANDLER(S) (OPPOSITE CHAMBER)</b>
HCR0006	Bruns, Mark J. Brown, Jason	Gross, Chuck
HCR0015	Behnen, Bob	Cauthorn, John W.
SB 0001	Russell, John T.	Luetkemeyer, Blaine
SB 0002	Russell, John T.	Smith, Todd
SB 0004	Caskey, Harold	Johnson, Robert Thane
SB 0005	Caskey, Harold	Mayer, Robert
SB 0007	Mathewson, James L.	Smith, Todd
SB 0011	Kinder, Peter	Cooper, Shannon Sutherland, Mike
SB 0012	Kinder, Peter	Byrd, Richard G.
SB 0013	Kinder, Peter	Byrd, Richard G. Crawford, Larry
SB 0014	DePasco, Ronnie	Johnson, Robert Thane
SB 0016	Childers, Doyle	Ruestman, Marilyn
SB 0029	Gross, Charles	Parker, Sherman
SB 0030	Gross, Charles	Schneider, Vicki
SB 0039	Cauthorn, John	Mayer, Robert (Rob)
SB 0050	Coleman, Maida J.	Seigfreid, Jim
SB 0052	Shields, Charles W.	Fares, Kathlyn
SB 0054	Griesheimer, John E.	Nieves, Brian D.
SB 0055	Nodler, Gary	Stevenson, Bryan P.
SB 0061	Caskey, Harold	Luetkemeyer, Blaine
SB 0063	Caskey, Harold	Johnson, Robert Thane
SB 0068	Childers, Doyle	Wasson, Jay
SB 0069	Yeckel, Anita	Baker, Brian L.

<b>BILL NUMBER</b>	<b>SPONSOR(S) OF INTRODUCED BILL</b>	<b>BILL HANDLER(S) (OPPOSITE CHAMBER)</b>
SB 0084	Cauthorn, John	Munzlinger, Brian
SB 0101	Caskey, Harold	Byrd, Richard G. Baker, Brian L.
SB 0108	Gross, Charles	Kelly, Van
SB 0120	Caskey, Harold	Rector, Rex
SB 0121	Caskey, Harold	Davis, D. J.
SB 0122	Caskey, Harold	King, Jerry R.
SB 0130	Gross, Charles	Davis, Cynthia
SB 0136	Goode, P. Wayne	Deeken, Bill
SB 0143	Goode, P. Wayne	Byrd, Richard G. Yates, Brian
SB 0175	Loudon, John	Cooper, Shannon
SB 0184	Bartle, Matt	Mayer, Robert (Rob)
SB 0186	Cauthorn, John	Munzlinger, Brian
SB 0194	Scott, Delbert	St. Onge, Neal
SB 0199	Childers, Doyle	Johnson, Robert Thane
SB 0202	Childers, Doyle	Wood, Dennis F.
SB 0203	Bartle, Matt	Byrd, Richard G. Mayer, Robert (Rob)
SB 0207	Mathewson, James L.	Byrd, Richard G.
SB 0212	Bartle, Matt	Johnson, Robert Thane
SB 0218	Goode, P. Wayne	George, Thomas E.
SB 0219	Steelman, Sarah G.	Smith, Joe
SB 0224	Vogel, Carl	Moore, Danielle (Danie)
SB 0228	Griesheimer, John E.	Sutherland, Mike
SB 0232	Cauthorn, John	Behnen, Robert J. (Bob)

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<b>BILL NUMBER</b>	<b>SPONSOR(S) OF INTRODUCED BILL</b>	<b>BILL HANDLER(S) (OPPOSITE CHAMBER)</b>
SB 0234	Quick, Edward E.	Ervin, Doug
SB 0235	Quick, Edward E.	Johnson, Robert Thane
SB 0238	Caskey, Harold	Baker, Brian L.
SB 0239	Mathewson, James L.	Smith, Todd
SB 0242	Yeckel, Anita	Byrd, Richard G.
SB 0243	Yeckel, Anita	Deeken, Bill
SB 0248	Gross, Charles Goode, P. Wayne	Smith, Todd
SB 0250	Stoll, Steve	Wagner, Wes
SB 0255	Kinder, Peter	Engler, Kevin P.
SB 0266	Shields, Charles W.	Johnson, Robert Thane
SB 0269	Quick, Edward E.	Willoughby, Philip
SB 0275	Russell, John T.	Johnson, Robert Thane
SB 0280	Scott, Delbert	Byrd, Richard G.
SB 0281	Shields, Charles W.	Brown, Jason
SB 0282	Shields, Charles W.	Brown, Jason
SB 0288	Dolan, Jonathan	Davis, Cynthia
SB 0289	Dolan, Jonathan Nodler, Gary	Dempsey, Tom
SB 0292	Yeckel, Anita	Luetkemeyer, Blaine
SB 0293	Vogel, Carl	Deeken, Bill
SB 0294	Vogel, Carl	Mayer, Robert (Rob)
SB 0295	Shields, Charles W.	Schlottach, Charles
SB 0296	Griesheimer, John E.	Sutherland, Mike
SB 0298	Griesheimer, John E.	Johnson, Robert Thane

<b>BILL NUMBER</b>	<b>SPONSOR(S) OF INTRODUCED BILL</b>	<b>BILL HANDLER(S) (OPPOSITE CHAMBER)</b>
SB 0299	Champion, Norma	Bearden, Carl
SB 0301	Bray, Joan	Daus, Michael S.
SB 0307	Steelman, Sarah G.	Portwood, Charles R.
SB 0314	Dolan, Jonathan	Dempsey, Tom
SB 0317	Stoll, Steve Bray, Joan	Selby, Harold R.
SB 0321	Days, Rita D.	May, Bob Haywood, Esther
SB 0325	Steelman, Sarah G.	Shoemaker, Christopher L.
SB 0327	Gross, Charles Mathewson, James L.	Sutherland, Mike
SB 0330	Caskey, Harold	Cooper, Shannon
SB 0346	Yeckel, Anita	Luetkemeyer, Blaine
SB 0351	Dougherty, Patrick	Johnson, Connie LaJoyce
SB 0355	Stoll, Steve	Harris, Belinda
SB 0356	Stoll, Steve	Harris, Belinda
SB 0357	Shields, Charles W.	Byrd, Richard G. Yates, Brian
SB 0358	Shields, Charles W.	Brown, Jason
SB 0371	Foster, Bill I.	Cunningham, Jane
SB 0373	Bartle, Matt	Luetkemeyer, Blaine
SB 0376	Caskey, Harold	Cooper, Shannon
SB 0379	Champion, Norma	Wright, Mark
SB 0383	Dolan, Jonathan	Schneider, Vicki
SB 0385	Scott, Delbert	Luetkemeyer, Blaine
SB 0388	Klindt, David	King, Jerry R.
SB 0394	Bartle, Matt	Byrd, Richard G.

## Table of Sponsors, 2003

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<b>BILL NUMBER</b>	<b>SPONSOR(S) OF INTRODUCED BILL</b>	<b>BILL HANDLER(S) (OPPOSITE CHAMBER)</b>
SB 0399	Caskey, Harold	Mayer, Robert (Rob)
SB 0401	Dolan, Jonathan	Byrd, Richard G. Pratt, Bryan
SB 0407	Klindt, David	Luetkemeyer, Blaine
SB 0423	Childers, Doyle	Wood, Dennis F.
SB 0425	Scott, Delbert	Mayer, Robert (Rob)
SB 0426	Griesheimer, John E.	Threlkeld, Kevin
SB 0431	Gibbons, Michael R.	Threlkeld, Kevin
SB 0447	Bartle, Matt	Byrd, Richard G.
SB 0448	Bartle, Matt	Byrd, Richard G. Goodman, Jack
SB 0456	Kennedy, Harry	Bruns, Mark J.
SB 0457	Caskey, Harold	Byrd, Richard G. Stevenson, Bryan P.
SB 0463	Gross, Charles	Byrd, Richard G. Goodman, Jack
SB 0465	Bartle, Matt	Byrd, Richard G. Mayer, Robert
SB 0466	Bartle, Matt	Mayer, Robert
SB 0467	Bartle, Matt	Mayer, Robert
SB 0468	Bartle, Matt	Byrd, Richard G. Pratt, Bryan
SB 0471	Bartle, Matt	Byrd, Richard G. Lipke, Scott A.
SB 0474	Bartle, Matt	Byrd, Richard G. Mayer, Robert
SB 0478	Gross, Charles	Smith, Joe
SB 0492	Scott, Delbert	Behnen, Robert J. (Bob)
SB 0504	Clemens, Dan Champion, Norma	Wasson, Jay

<b>BILL NUMBER</b>	<b>SPONSOR(S) OF INTRODUCED BILL</b>	<b>BILL HANDLER(S) (OPPOSITE CHAMBER)</b>
SB 0506	Clemens, Dan	Avery, Jim
SB 0511	Kinder, Peter	Holand, Roy W.
SB 0513	Kennedy, Harry Coleman, Maida J.	Daus, Michael S.
SB 0522	Gross, Charles	Bearden, Carl
SB 0529	Childers, Doyle	Wallace, Maynard
SB 0534	Cauthorn, John	Portwood, Charles R. Stefanick, Jodi A.
SB 0537	Jacob, Kenneth B.	Byrd, Richard G. Stevenson, Bryan P.
SB 0540	Gross, Charles	Parker, Sherman Dempsey, Tom
SB 0546	Caskey, Harold	Pearce, David
SB 0547	Caskey, Harold	Johnson, Bob
SB 0548	Champion, Norma	Byrd, Richard G. Yates, Brian
SB 0552	Yeckel, Anita	Byrd, Richard G.
SB 0555	Kinder, Peter Foster, Bill I.	Black, Lanie G. III
SB 0556	Kinder, Peter	Sutherland, Mike
SB 0562	Griesheimer, John E.	Jackson, Jack
SB 0577	Shields, Charles W.	Schaaf, Rob
SB 0578	Shields, Charles W.	Schaaf, Rob
SB 0598	Childers, Doyle	Wilson, Kevin Ruestman, Marilyn
SB 0606	Coleman, Maida J.	May, Bob
SB 0611	Clemens, Dan	Luetkemeyer, Blaine
SB 0618	Kennedy, Harry Shields, Charles W.	Johnson, Connie "LaJoyce"

## Table of Sponsors, 2003

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<b>BILL NUMBER</b>	<b>SPONSOR(S) OF INTRODUCED BILL</b>	<b>BILL HANDLER(S) (OPPOSITE CHAMBER)</b>
SB 0620	Loudon, John	Dempsey, Tom
SB 0621	Loudon, John	St. Onge, Neal
SB 0623	Foster, Bill I.	Mayer, Robert (Rob)
SB 0651	Steelman, Sarah G.	Townley, Merrill
SB 0666	Bland, Mary	Bland, Craig C.
SB 0675	Gross, Charles	Cooper, Shannon
SB 0686	Russell, John T.	Cunningham, Jane
SB 0697	Nodler, Gary	Ruestman, Marilyn
SCR0001	Gross, Charles	Bruns, Mark J.
SCR0008	Dougherty, Patrick	Bland, Craig C. El-Amin, Yaphett
SCR0011	Steelman, Sarah G.	Crowell, Jason Parker, Sherman
SCR0013	Nodler, Gary Gibbons, Michael R.	Richard, Ronald F.

<b>BILL NUMBER</b>	<b>SPONSOR(S) OF INTRODUCED BILL</b>	<b>BILL HANDLER(S) (OPPOSITE CHAMBER)</b>
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**ABORTION**

- HB 0156 Requires consent twenty-four hours prior to an abortion and proof of medical malpractice insurance (Vetoed)

**ADMINISTRATION, OFFICE OF**

- SB 0130 Authorizes conveyance of state property along Knaust Road in St. Charles County
- SB 0224 Authorizes easement on state property to the city of Fulton (Vetoed)
- SB 0239 Authorizes conveyance of National Guard Armory in Sedalia to the Sedalia School District Foundation
- SB 0243 Creates the State Property Preservation Fund
- SB 0275 Addresses authority of governor to convey certain state property in Cole County
- SB 0299 Requires performance-based budgeting and creates the Sunset Act
- SB 0562 Authorizes conveyance of state property located in St. Louis County to the City of Pacific
- SB 0577 Authorizes the conveyance of an easement in the form of a right-of-way in the City of St. Joseph
- SB 0578 Authorizes the conveyance of land owned by the state in Platte County
- HB 0093 Authorizes the conveyance of land owned by the state in Callaway County to the City of Fulton
- HB 0278 Authorizes conveyance of state property along Knaust Road in St. Charles County (Vetoed)
- HB 0289 Creates the Missouri Downtown and Rural Economic Stimulus Act and modifies tax increment financing provisions
- HB 0401 Authorizes the board of public buildings to issue additional revenue bonds for expanded purposes
- HB 0574 Authorizes the conveyance of certain land owned by the state to the City of Pacific
- HB 0679 Modifies various provisions of the law relating to foster care and protective services for children (Vetoed)
- HB 0688 Creates the Life Sciences Research Trust Fund and the board for its administration
- HCR 006 Disapproves the salary recommendations submitted by the MO. Citizen's Comm. on Compensation for Elected Officials

**ADMINISTRATIVE LAW**

- SB 0203 Modifies enforcement of administrative subpoenas (Vetoed)
- SB 0248 Revises provisions of various retirement plans
- SB 0357 Modifies venue for administrative actions involving real property
- SB 0401 Modifies the definition of crime under Chapter 595, RSMo, and crime victims' compensation fund (Vetoed)

- HB 0141 Modifies enforcement of administrative subpoenas  
HB 0440 Modifies release of records to dental well-being committee

#### **ADMINISTRATIVE RULES**

- SB 0069 Creates the Small Business Regulatory Fairness Board to serve as liaison between agencies and small businesses (Vetoed)

#### **AGRICULTURE AND ANIMALS**

- SB 0011 Makes various modifications to taxation  
SB 0084 Allows specific tax credits be taken on a quarterly basis (Vetoed)  
SB 0388 Increases the amount borrowers can be guaranteed from the single purpose animal facilities loan guarantee fund  
SB 0611 Allows county agricultural and mechanical societies to borrow money and mortgage property  
SB 0651 Makes the Norton/Cynthiana grape the official state grape  
HB 0257 Allows specific tax credits to be taken on a quarterly basis (Vetoed)  
HB 0289 Creates the Missouri Downtown and Rural Economic Stimulus Act and modifies tax increment financing provisions  
HB 0463 Makes the city of Adrian the purple martin capital  
HB 0464 Increases the amount borrowers can be guaranteed from the Single Purpose Animal Facilities Loan Guarantee Fund

#### **AGRICULTURE DEPARTMENT**

- SB 0388 Increases the amount borrowers can be guaranteed from the single purpose animal facilities loan guarantee fund  
HB 0464 Increases the amount borrowers can be guaranteed from the Single Purpose Animal Facilities Loan Guarantee Fund

#### **ALCOHOL**

- SB 0298 Revises liquor license requirements, operational restrictions, and enforcement provisions  
SB 0540 Limits the number of microbrewer licenses available to an individual and his agents

#### **AMBULANCES AND AMBULANCE DISTRICTS**

- SB 0068 Modifies provision regarding refunds of ambulance and fire protection district sales tax
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**ANNEXATION**

- SB 0238 Modifies provisions regarding incorporation or annexation of unin-  
corporated areas in Cass County
- HB 0166 Modifies provisions regarding incorporation or annexation of unin-  
corporated areas in Cass County

**APPROPRIATIONS**

- SB 0299 Requires performance-based budgeting and creates the Sunset Act
- HB 0001 Appropriates money for the board of fund commissioners.
- HB 0002 Appropriations for elementary and secondary education (Vetoed)
- HB 0003 Appropriations for higher education (Vetoed)
- HB 0004 Appropriations for the departments of revenue and transportation
- HB 0005 Appropriations for the office of administration
- HB 0006 Appropriations for the departments of agriculture, natural resources and  
conservation
- HB 0007 Appropriations for the departments of economic development,  
insurance, and labor and industrial relations
- HB 0008 Appropriations for the department of public safety
- HB 0009 Appropriations for the department of corrections
- HB 0010 Appropriations for the departments of mental health and health  
(Vetoed)
- HB 0011 Appropriations for the department of social services (Vetoed)
- HB 0012 Appropriations for elected officials, the judiciary, public defender and  
the general assembly
- HB 0013 Appropriations for statewide leasing
- HB 0014 Appropriates money for emergency operations in the Office of  
Administration.
- HB 0015 Appropriates money for supplemental purposes
- HB 0016 To appropriate money for capital improvement and other purposes for  
the several departments of state government
- HB 0017 To appropriate money for expenses, grants, refunds, distributions and  
other purposes for the several
- HB 0018 To appropriate money for capital improvement projects involving the  
maintenance, repair, replacement, and
- HB 0019 To appropriate money for planning, expenses, and for capital  
improvements including but limited to major
- HB 0020 To appropriate money for capital improvement and other purposes for  
the several departments of state government.
- HB 0401 Authorizes the board of public buildings to issue additional revenue  
bonds for expanded purposes
- HCR 006 Disapproves the salary recommendations submitted by the MO.  
Citizen's Comm. on Compensation for Elected Officials
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**ARCHITECTS**

- SB 0478 Creates inactive status for architects and psychologists and modifies duties of landscape architects

**ARTS AND HUMANITIES**

- SB 0052 Modifies the nonresident athletes and entertainers tax

**ATTORNEY GENERAL, STATE**

- SB 0623 Creates procedures for challenges to fiscal notes in initiatives and referenda  
SCR 001 Rejects salary increase recommendations of the Citizens' Commission on Compensation for Elected Officials  
HB 0228 Creates a no-spam list in the Attorney General's office for unsolicited commercial e-mail  
HB 0380 Adopts Missouri Securities Act of 2003  
HB 0511 Revises election laws to comply with the Help America Vote Act of 2002

**ATTORNEYS**

- SB 0013 Prohibits certain suits by political subdivisions and the state against firearm manufacturers and dealers (Vetoed)  
SB 0203 Modifies enforcement of administrative subpoenas (Vetoed)  
SB 0280 Enacts various tort reform measures (Vetoed)  
SB 0447 Creates the basic civil legal services fund  
SB 0471 Modifies filing requirements for child support garnishment orders  
SB 0537 Authorizes Boone County Counselor to prosecute certain actions resulting in civil fines  
HB 0141 Modifies enforcement of administrative subpoenas  
HB 0380 Adopts Missouri Securities Act of 2003  
HB 0613 Modifies provisions of court procedure

**AUDITOR, STATE**

- SB 0299 Requires performance-based budgeting and creates the Sunset Act  
SCR 001 Rejects salary increase recommendations of the Citizens' Commission on Compensation for Elected Officials

**BANKS AND FINANCIAL INSTITUTIONS**

- SB 0346 Revises banking laws
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- SB 0388 Increases the amount borrowers can be guaranteed from the single purpose animal facilities loan guarantee fund
- HB 0221 Revises banking laws
- HB 0464 Increases the amount borrowers can be guaranteed from the Single Purpose Animal Facilities Loan Guarantee Fund

#### **BOARDS, COMMISSIONS, COMMITTEES, COUNCILS**

- SB 0030 Creates the Amber Alert System
- SB 0039 Revises numerous provisions relating to emergency services
- SB 0069 Creates the Small Business Regulatory Fairness Board to serve as liaison between agencies and small businesses (Vetoed)
- SB 0108 Adds the Chief Information Officer to the State Records Commission
- SB 0199 Modifies the classification of counties, and various other provisions related to counties and county government (Vetoed)
- SB 0203 Modifies enforcement of administrative subpoenas (Vetoed)
- SB 0294 Requires criminal history check for certain persons related to the gaming and civilian review boards
- SB 0299 Requires performance-based budgeting and creates the Sunset Act
- SB 0327 Modifies provisions of real estate appraiser licensing
- SB 0376 Changes the body that certifies a deputy coroner to the Missouri Coroners and Medical Examiners Association
- SB 0457 Allows a position on the executive council of the judicial conference to be filled
- SB 0465 Modifies duties of judicial finance commission
- SB 0478 Creates inactive status for architects and psychologists and modifies duties of landscape architects
- SB 0511 Establishes the Joint Committee on the Life Sciences
- SB 0611 Allows county agricultural and mechanical societies to borrow money and mortgage property
- HB 0059 Requires the department of mental health to develop a state suicide prevention plan and creates a council on pain mgt.
- HB 0138 Establishes the Missouri Corrections Officers Training and Standards Commission (MoCOTS)
- HB 0141 Modifies enforcement of administrative subpoenas
- HB 0185 Creates the AMBER Alert System
- HB 0332 Protects use of the title "social worker"
- HB 0351 Modifies eligibility requirements for members of a board of directors of an industrial development corporation
- HB 0358 Revises procedure for inactively licensed barber to reinstate license
- HB 0390 Regulates the licensing and registration of anesthesiologist assistants
- HB 0430 Allows a position on the executive council of the Judicial Conference to be filled
- HB 0440 Modifies release of records to dental well-being committee
- HB 0465 Establishes the Joint Committee on the Life Sciences

- HB 0472 Establishes procedures for appointing boards of directors in community improvement districts
- HB 0523 Requires criminal history check for certain persons related to the gaming industry
- HB 0688 Creates the Life Sciences Research Trust Fund and the board for its administration
- HCR 006 Disapproves the salary recommendations submitted by the MO. Citizen's Comm. on Compensation for Elected Officials

#### **BOATS AND WATERCRAFT**

- SB 0001 Requires boating safety identification card to operate watercraft for certain individuals

#### **BONDS-GENERAL OBLIGATION AND REVENUE**

- SB 0371 Allows MOHELA to provide loans for nonsectarian tuition and other costs for certain students
- SB 0675 Eliminates certain funds and charges interest against certain other funds
- HB 0401 Authorizes the board of public buildings to issue additional revenue bonds for expanded purposes

#### **BONDS-SURETY**

- SB 0242 Limits the amount of a supersedeas bond in tobacco products litigation
- HB 0314 Prohibits public entities from requiring certain people to obtain a surety bond from a particular company

#### **BUSINESS AND COMMERCE**

- SB 0061 Limits the private use of an individual's Social Security Number in certain situations
- SB 0069 Creates the Small Business Regulatory Fairness Board to serve as liaison between agencies and small businesses (Vetoed)
- SB 0207 Modifies the law regarding damage claims by rental companies for rental motor vehicles
- SB 0292 Limits disclosure of credit card account numbers on sales receipts provided to cardholder
- SB 0298 Revises liquor license requirements, operational restrictions, and enforcement provisions
- SB 0346 Revises banking laws
- SB 0373 Modifies provisions of the self-storage facilities act
- SB 0394 Modifies law governing corporate formalities
- SB 0463 Increases term of director for nonprofit corporation from five to six years
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- SB 0492 Revises the registration of a commercial interior designer  
SB 0540 Limits the number of microbrewer licenses available to an individual and his agents  
SB 0555 Addresses ability of certain aluminum smelters and cities to purchase energy outside of PSC oversight  
SB 0620 Modifies the BUILD program and implements certain job retention provisions  
HB 0202 Creates the Missouri Calcium Initiative  
HB 0221 Revises banking laws  
HB 0228 Creates a no-spam list in the Attorney General's office for unsolicited commercial e-mail  
HB 0254 Adopts the Uniform Electronics Transactions Act  
HB 0314 Prohibits public entities from requiring certain people to obtain a surety bond from a particular company  
HB 0356 Allows products made by youths in the division of youth services program to be sold at no more than 110% of cost  
HB 0380 Adopts Missouri Securities Act of 2003  
HB 0392 Regulates establishment and relocation of motorcycle and other types of franchises  
HB 0512 Modifies provisions of the self-storage facilities act

#### **CAMPAIGN FINANCE**

- HB 0099 Modifies certain campaign finance reporting requirements

#### **CAPITAL IMPROVEMENTS**

- SB 0522 Provides an additional rate for the capital improvement sales tax  
HB 0401 Authorizes the board of public buildings to issue additional revenue bonds for expanded purposes

#### **CEMETERIES**

- HB 0394 Defines next-of-kin for purposes of disposition of human remains  
HB 0472 Establishes procedures for appointing boards of directors in community improvement districts

#### **CHARITIES**

- SB 0175 Creates a food recovery program to provide food to needy persons  
SB 0426 Modifies time state employees may receive paid leave for volunteering as a Red Cross disaster service volunteer
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**CHILDREN AND MINORS**

- SB 0030 Creates the Amber Alert System
- SB 0266 Requires the department of mental health to develop plans for children and persons on waiting lists
- SB 0330 Allows child support orders to be sent to employers by regular or certified mail
- SB 0351 Changes the procedure in which parental or guardian consent is noted for the organ donation process of minors
- SB 0471 Modifies filing requirements for child support garnishment orders
- HB 0185 Creates the AMBER Alert System
- HB 0253 Eliminates requirement for petitioner to disclose Social Security number in connection with a protective order
- HB 0356 Allows products made by youths in the division of youth services program to be sold at no more than 110% of cost
- HB 0444 Alters the distribution of the Gaming Commission Fund
- HB 0445 Includes Christian Science practitioners in the definition of "minister" for purposes of mandatory child abuse reports
- HB 0455 Mandates coverage for alopecia in persons 18 & under for the Medicaid program, MC+ & the MO Consolidated Health Care Plan
- HB 0575 Adds the Ozark Foothills and the North Central Missouri child assessment centers
- HB 0655 Revises certain special education services
- HB 0679 Modifies various provisions of the law relating to foster care and protective services for children (Vetoed)

**CHIROPRACTORS**

- HB 0121 Modifies provisions in the law relating to managed care chiropractic services

**CIRCUIT CLERK**

- SB 0186 Removes ability of Marion County Circuit Court to appoint Div. I circuit clerk if office is separated from recorder
- SB 0447 Creates the basic civil legal services fund
- SB 0466 Modifies provisions relating to charges in criminal cases
- SB 0467 Increases criminal case filing surcharge
- SB 0468 Modifies types of case dispositions that must be reported to the Uniform Law Enforcement System Records
- SB 0471 Modifies filing requirements for child support garnishment orders
- SB 0474 Modifies surcharge procedure in civil case filings
- HB 0613 Modifies provisions of court procedure
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**CITIES, TOWNS AND VILLAGES**

- SB 0011 Makes various modifications to taxation
- SB 0136 Changes filing and meeting dates for offices in political subdivisions and special districts
- SB 0202 Requires access to water supply for fire protection entities during emergencies
- SB 0218 Authorizes imposition of lateral sewer service repair fee in certain situations
- SB 0224 Authorizes easement on state property to the city of Fulton (Vetoed)
- SB 0228 Enables the City of Warrenton and Shannon County to levy a transient guest tax
- SB 0235 Considers the value of a redevelopment area when calculating local indebtedness limit
- SB 0238 Modifies provisions regarding incorporation or annexation of unincorporated areas in Cass County
- SB 0269 Enables Excelsior Springs to submit a public safety sales tax to its voters
- SB 0301 Increases maximum lateral sewer service repair fee to be imposed from \$28 to \$50 per year
- SB 0358 Requires budgetary approval of Platte County or city within Platte County for expenditures to local election board (Vetoed)
- SB 0379 Allows the City of Springfield to remove or transfer real property from a district or zone designation
- SB 0504 Enables a satellite enterprise zone in Springfield
- SB 0513 Removes discretion of board of police commissioners as to paid vacation and holidays in some situations
- SB 0555 Addresses ability of certain aluminum smelters and cities to purchase energy outside of PSC oversight
- SB 0562 Authorizes conveyance of state property located in St. Louis County to the City of Pacific
- SB 0621 Allows certain cities to abate certain types of public nuisances and charge the cost of removal against owner
- HB 0166 Modifies provisions regarding incorporation or annexation of unincorporated areas in Cass County
- HB 0181 Authorizes a transient guest tax in certain cities
- HB 0277 Allows the City of Springfield to remove or transfer real property from a district or zone designation
- HB 0289 Creates the Missouri Downtown and Rural Economic Stimulus Act and modifies tax increment financing provisions
- HB 0307 Allows political subdivisions to enter into agreements for reciprocal emergency aid without approval of the governor
- HB 0351 Modifies eligibility requirements for members of a board of directors of an industrial development corporation
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- HB 0388 Allows certain first class counties to create a geographical information system
- HB 0463 Makes the city of Adrian the purple martin capital
- HB 0472 Establishes procedures for appointing boards of directors in community improvement districts
- HB 0553 Allows health benefits for retired officers and dependents of deceased officers of political subdivisions
- HB 0597 Removes requirement that township clerks file a copy of the township's fiscal and inventory reports with MoDOT

#### **CIVIL PROCEDURE**

- SB 0063 Rulings on termination of parental rights shall be final for purposes of appeal
- SB 0203 Modifies enforcement of administrative subpoenas (Vetoed)
- SB 0280 Enacts various tort reform measures (Vetoed)
- SB 0298 Revises liquor license requirements, operational restrictions, and enforcement provisions
- SB 0357 Modifies venue for administrative actions involving real property
- SB 0474 Modifies surcharge procedure in civil case filings
- SB 0552 Expands the list of property exempt from attachment to clarify that all qualified retirement plans will be exempt
- HB 0141 Modifies enforcement of administrative subpoenas
- HB 0613 Modifies provisions of court procedure

#### **CIVIL RIGHTS**

- SB 0012 Enacts the Religious Freedom Restoration Act

#### **COMMERCIAL CODE**

- SB 0061 Limits the private use of an individual's Social Security Number in certain situations
- SB 0373 Modifies provisions of the self-storage facilities act
- HB 0512 Modifies provisions of the self-storage facilities act

#### **CONSUMER PROTECTION**

- SB 0061 Limits the private use of an individual's Social Security Number in certain situations
- SB 0292 Limits disclosure of credit card account numbers on sales receipts provided to cardholder
- HB 0228 Creates a no-spam list in the Attorney General's office for unsolicited commercial e-mail
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- HB 0392 Regulates establishment and relocation of motorcycle and other types of franchises

#### **CONTRACTS AND CONTRACTORS**

- SB 0061 Limits the private use of an individual's Social Security Number in certain situations  
HB 0202 Creates the Missouri Calcium Initiative  
HB 0254 Adopts the Uniform Electronics Transactions Act  
HB 0314 Prohibits public entities from requiring certain people to obtain a surety bond from a particular company  
HB 0668 Enacts various accountability measures relating to the department of transportation

#### **CORPORATIONS**

- SB 0069 Creates the Small Business Regulatory Fairness Board to serve as liaison between agencies and small businesses (Vetoed)  
SB 0202 Requires access to water supply for fire protection entities during emergencies  
SB 0280 Enacts various tort reform measures (Vetoed)  
SB 0394 Modifies law governing corporate formalities  
SB 0463 Increases term of director for nonprofit corporation from five to six years  
HB 0351 Modifies eligibility requirements for members of a board of directors of an industrial development corporation

#### **CORRECTIONS DEPARTMENT**

- SB 0005 Makes numerous changes to sentencing laws  
HB 0138 Establishes the Missouri Corrections Officers Training and Standards Commission (MoCOTS)  
HB 0477 Requires the department of corrections to test for tuberculosis on all offenders

#### **COUNTIES**

- SB 0011 Makes various modifications to taxation  
SB 0016 Allows first class counties to retain a larger percentage of a portion of the assessed valuation  
SB 0101 Allows Cass County to establish a municipal court system to prosecute ordinance violations  
SB 0120 Allows Cass County to use a small portion of its property tax revenue for collection costs  
SB 0121 Includes Cass County in a certain planning and zoning program
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- SB 0122 Enables the assessor in third class counties to make certain entries to the assessor's book after delivery of the book
  - SB 0130 Authorizes conveyance of state property along Knaust Road in St. Charles County
  - SB 0199 Modifies the classification of counties, and various other provisions related to counties and county government (Vetoed)
  - SB 0235 Considers the value of a redevelopment area when calculating local indebtedness limit
  - SB 0250 Allows certain counties to enact a one-half percent sales tax for law enforcement purposes (Vetoed)
  - SB 0269 Enables Excelsior Springs to submit a public safety sales tax to its voters
  - SB 0281 Allows first class counties to acquire, erect, operate, manage, etc. buildings and property outside the county seat
  - SB 0282 Revises the maximum time a county commission may issue a lease or concession grant for certain public facilities
  - SB 0295 Makes various modifications to laws regarding tax sales of land
  - SB 0357 Modifies venue for administrative actions involving real property
  - SB 0358 Requires budgetary approval of Platte County or city within Platte County for expenditures to local election board (Vetoed)
  - SB 0465 Modifies duties of judicial finance commission
  - SB 0522 Provides an additional rate for the capital improvement sales tax
  - SB 0537 Authorizes Boone County Counselor to prosecute certain actions resulting in civil fines
  - SB 0547 Modifies pay schedules for certain county clerks and treasurers
  - HB 0097 Authorizes a sales tax for law enforcement purposes in Jefferson County
  - HB 0131 Revises provisions for the local government employees retirement system
  - HB 0221 Revises banking laws
  - HB 0244 Includes Cass County in a certain planning and zoning program
  - HB 0267 Revises various provisions relating to the powers of county commissions
  - HB 0278 Authorizes conveyance of state property along Knaust Road in St. Charles County (Vetoed)
  - HB 0307 Allows political subdivisions to enter into agreements for reciprocal emergency aid without approval of the governor
  - HB 0318 Allows Cass County to have county traffic ordinance violations heard by associate circuit judge
  - HB 0326 Changes the boundary description of Ste. Genevieve County
  - HB 0348 Revises provisions of optional retirement and beneficiary election provisions of the LAGERS system
  - HB 0351 Modifies eligibility requirements for members of a board of directors of an industrial development corporation
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- HB 0388 Allows certain first class counties to create a geographical information system
- HB 0552 Allows certain counties to use court fees collected pursuant to section 488.426 for courtroom renovation and technology
- HB 0553 Allows health benefits for retired officers and dependents of deceased officers of political subdivisions
- HB 0594 Establishes the procedures for disincorporation of a road district in Jasper County (Vetoed)
- HB 0597 Removes requirement that township clerks file a copy of the township's fiscal and inventory reports with MoDOT
- HB 0613 Modifies provisions of court procedure

#### COUNTY GOVERNMENT

- SB 0016 Allows first class counties to retain a larger percentage of a portion of the assessed valuation
- SB 0120 Allows Cass County to use a small portion of its property tax revenue for collection costs
- SB 0121 Includes Cass County in a certain planning and zoning program
- SB 0122 Enables the assessor in third class counties to make certain entries to the assessor's book after delivery of the book
- SB 0199 Modifies the classification of counties, and various other provisions related to counties and county government (Vetoed)
- SB 0234 Allows Clay County to open or operate a concession stand at privately operated marinas
- SB 0281 Allows first class counties to acquire, erect, operate, manage, etc. buildings and property outside the county seat
- SB 0282 Revises the maximum time a county commission may issue a lease or concession grant for certain public facilities
- SB 0537 Authorizes Boone County Counselor to prosecute certain actions resulting in civil fines
- HB 0131 Revises provisions for the local government employees retirement system
- HB 0244 Includes Cass County in a certain planning and zoning program
- HB 0267 Revises various provisions relating to the powers of county commissions
- HB 0348 Revises provisions of optional retirement and beneficiary election provisions of the LAGERS system
- HB 0553 Allows health benefits for retired officers and dependents of deceased officers of political subdivisions

#### COUNTY OFFICIALS

- SB 0039 Revises numerous provisions relating to emergency services
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- SB 0186 Removes ability of Marion County Circuit Court to appoint Div. I circuit clerk if office is separated from recorder
- SB 0199 Modifies the classification of counties, and various other provisions related to counties and county government (Vetoed)
- SB 0235 Considers the value of a redevelopment area when calculating local indebtedness limit
- SB 0250 Allows certain counties to enact a one-half percent sales tax for law enforcement purposes (Vetoed)
- SB 0295 Makes various modifications to laws regarding tax sales of land
- SB 0376 Changes the body that certifies a deputy coroner to the Missouri Coroners and Medical Examiners Association
- SB 0383 Modifies duties of county recorder in manner of recording certain documents
- SB 0537 Authorizes Boone County Counselor to prosecute certain actions resulting in civil fines
- SB 0547 Modifies pay schedules for certain county clerks and treasurers
- HB 0131 Revises provisions for the local government employees retirement system
- HB 0318 Allows Cass County to have county traffic ordinance violations heard by associate circuit judge
- HB 0348 Revises provisions of optional retirement and beneficiary election provisions of the LAGERS system
- HB 0376 Changes the certification organization for deputy county coroners (Vetoed)
- HB 0553 Allows health benefits for retired officers and dependents of deceased officers of political subdivisions
- HB 0597 Removes requirement that township clerks file a copy of the township's fiscal and inventory reports with MoDOT

#### COURTS

- SB 0005 Makes numerous changes to sentencing laws
- SB 0069 Creates the Small Business Regulatory Fairness Board to serve as liaison between agencies and small businesses (Vetoed)
- SB 0101 Allows Cass County to establish a municipal court system to prosecute ordinance violations
- SB 0186 Removes ability of Marion County Circuit Court to appoint Div. I circuit clerk if office is separated from recorder
- SB 0203 Modifies enforcement of administrative subpoenas (Vetoed)
- SB 0242 Limits the amount of a supersedeas bond in tobacco products litigation
- SB 0280 Enacts various tort reform measures (Vetoed)
- SB 0298 Revises liquor license requirements, operational restrictions, and enforcement provisions
- SB 0357 Modifies venue for administrative actions involving real property
- SB 0447 Creates the basic civil legal services fund
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- SB 0448 Extends sunset for statewide court automation fund  
SB 0457 Allows a position on the executive council of the judicial conference to be filled  
SB 0465 Modifies duties of judicial finance commission  
SB 0466 Modifies provisions relating to charges in criminal cases  
SB 0467 Increases criminal case filing surcharge  
SB 0468 Modifies types of case dispositions that must be reported to the Uniform Law Enforcement System Records  
SB 0471 Modifies filing requirements for child support garnishment orders  
SB 0474 Modifies surcharge procedure in civil case filings  
SB 0552 Expands the list of property exempt from attachment to clarify that all qualified retirement plans will be exempt  
SB 0623 Creates procedures for challenges to fiscal notes in initiatives and referenda  
HB 0131 Revises provisions for the local government employees retirement system  
HB 0133 Modifies jurisdiction for election contests involving the offices of circuit and associate judge  
HB 0141 Modifies enforcement of administrative subpoenas  
HB 0253 Eliminates requirement for petitioner to disclose Social Security number in connection with a protective order  
HB 0318 Allows Cass County to have county traffic ordinance violations heard by associate circuit judge  
HB 0380 Adopts Missouri Securities Act of 2003  
HB 0430 Allows a position on the executive council of the Judicial Conference to be filled  
HB 0470 Modifies various crimes and criminal procedures  
HB 0552 Allows certain counties to use court fees collected pursuant to section 488.426 for courtroom renovation and technology  
HB 0599 Authorizes additional municipal court cost for Kansas City  
HB 0613 Modifies provisions of court procedure

#### **COURTS, JUVENILE**

- SB 0005 Makes numerous changes to sentencing laws  
SB 0471 Modifies filing requirements for child support garnishment orders  
HB 0613 Modifies provisions of court procedure  
HB 0679 Modifies various provisions of the law relating to foster care and protective services for children (Vetoed)

#### **CREDIT UNIONS**

- SB 0346 Revises banking laws  
HB 0221 Revises banking laws
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**CRIMES AND PUNISHMENT**

- SB 0005 Makes numerous changes to sentencing laws
- SB 0030 Creates the Amber Alert System
- SB 0039 Revises numerous provisions relating to emergency services
- SB 0184 Allows the sexual offender registry to be posted on the Internet
- SB 0294 Requires criminal history check for certain persons related to the gaming and civilian review boards
- SB 0298 Revises liquor license requirements, operational restrictions, and enforcement provisions
- SB 0399 Expands the crime of delivering any controlled substances to prisons, city & county jails, and private prisons & jails
- SB 0401 Modifies the definition of crime under Chapter 595, RSMo, and crime victims' compensation fund (Vetoed)
- SB 0556 Modifies various provisions relating to the protection of the elderly
- HB 0185 Creates the AMBER Alert System
- HB 0380 Adopts Missouri Securities Act of 2003
- HB 0470 Modifies various crimes and criminal procedures
- HB 0523 Requires criminal history check for certain persons related to the gaming industry

**CRIMINAL PROCEDURE**

- SB 0005 Makes numerous changes to sentencing laws
- SB 0184 Allows the sexual offender registry to be posted on the Internet
- SB 0401 Modifies the definition of crime under Chapter 595, RSMo, and crime victims' compensation fund (Vetoed)
- SB 0466 Modifies provisions relating to charges in criminal cases
- SB 0467 Increases criminal case filing surcharge
- SB 0468 Modifies types of case dispositions that must be reported to the Uniform Law Enforcement System Records
- HB 0470 Modifies various crimes and criminal procedures
- HB 0613 Modifies provisions of court procedure

**DENTISTS**

- SB 0506 Includes the use of lasers within the definition of dentistry
- HB 0440 Modifies release of records to dental well-being committee

**DISABILITIES**

- SB 0266 Requires the department of mental health to develop plans for children and persons on waiting lists
  - HB 0059 Requires the department of mental health to develop a state suicide prevention plan and creates a council on pain mgt.
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- HB 0655 Revises certain special education services  
HB 0679 Modifies various provisions of the law relating to foster care and protective services for children (Vetoed)

#### **DRUGS AND CONTROLLED SUBSTANCES**

- SB 0039 Revises numerous provisions relating to emergency services  
SB 0307 Modifies the rebate amount for prescription drugs in the Missouri Senior Prescription Program  
HB 0286 Modifies provisions relating to the federal reimbursement allowance, Senior Rx Program, and pharmacy provider tax  
HB 0470 Modifies various crimes and criminal procedures

#### **DRUNK DRIVING/BOATING**

- HB 0327 Enacts various provisions relating to transportation and operation of motor vehicles (Vetoed)

#### **EASEMENTS AND CONVEYANCES**

- SB 0007 Authorizes conveyance of state property in Pettis County (Vetoed)  
SB 0130 Authorizes conveyance of state property along Knaust Road in St. Charles County  
SB 0224 Authorizes easement on state property to the city of Fulton (Vetoed)  
SB 0232 Authorizes conveyance of state property in Thousand Hills State Park  
SB 0239 Authorizes conveyance of National Guard Armory in Sedalia to the Sedalia School District Foundation  
SB 0275 Addresses authority of governor to convey certain state property in Cole County  
SB 0562 Authorizes conveyance of state property located in St. Louis County to the City of Pacific  
SB 0577 Authorizes the conveyance of an easement in the form of a right-of-way in the City of St. Joseph  
SB 0578 Authorizes the conveyance of land owned by the state in Platte County  
SB 0606 Allows the department of natural resources to convey state land in certain situations  
HB 0093 Authorizes the conveyance of land owned by the state in Callaway County to the City of Fulton  
HB 0278 Authorizes conveyance of state property along Knaust Road in St. Charles County (Vetoed)  
HB 0574 Authorizes the conveyance of certain land owned by the state to the City of Pacific

**ECONOMIC DEVELOPMENT**

- SB 0235 Considers the value of a redevelopment area when calculating local indebtedness limit
- SB 0504 Enables a satellite enterprise zone in Springfield
- SB 0620 Modifies the BUILD program and implements certain job retention provisions
- HB 0277 Allows the City of Springfield to remove or transfer real property from a district or zone designation
- HB 0289 Creates the Missouri Downtown and Rural Economic Stimulus Act and modifies tax increment financing provisions
- HB 0351 Modifies eligibility requirements for members of a board of directors of an industrial development corporation

**ECONOMIC DEVELOPMENT DEPARTMENT**

- SB 0069 Creates the Small Business Regulatory Fairness Board to serve as liaison between agencies and small businesses (Vetoed)
- SB 0199 Modifies the classification of counties, and various other provisions related to counties and county government (Vetoed)
- SB 0478 Creates inactive status for architects and psychologists and modifies duties of landscape architects
- SB 0504 Enables a satellite enterprise zone in Springfield
- SB 0620 Modifies the BUILD program and implements certain job retention provisions
- HB 0221 Revises banking laws
- HB 0289 Creates the Missouri Downtown and Rural Economic Stimulus Act and modifies tax increment financing provisions
- HB 0332 Protects use of the title "social worker"
- HB 0358 Revises procedure for inactively licensed barber to reinstate license
- HB 0390 Regulates the licensing and registration of anesthesiologist assistants

**EDUCATION, ELEMENTARY AND SECONDARY**

- SB 0011 Makes various modifications to taxation
- SB 0136 Changes filing and meeting dates for offices in political subdivisions and special districts
- SB 0248 Revises provisions of various retirement plans
- SB 0296 Requires the state board of education to offer two levels of professional teacher certification
- SB 0317 Establishes a December 15, 2003, deadline for a MCHCP study which is presently required by law but possesses no deadline
- SB 0325 Alters provisions regarding veterans & mandates that public schools devote one class period observing Veterans Day
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| SB 0666 | School districts with multiple attendance centers shall develop policies regarding intra-district transfers           |
| SB 0686 | Articulates conditions upon which school districts may transfer unrestricted funds                                    |
| HB 0152 | Modifies retirement provisions for Kansas City police and the teacher and nonteacher public school retirement systems |
| HB 0346 | Modifies the provisions of the public school and nonteacher retirement systems and Kansas City teacher retirement     |
| HB 0444 | Alters the distribution of the Gaming Commission Fund   |
| HB 0511 | Revises election laws to comply with the Help America Vote Act of 2002  |
| HB 0554 | Creates inclement weather exceptions for mandatory school attendance requirements                                     |
| HB 0655 | Revises certain special education services  |

#### **EDUCATION, HIGHER**

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| SB 0011 | Makes various modifications to taxation  |
| SB 0055 | Renames Missouri Southern State College as Missouri Southern State University-Joplin             |
| SB 0296 | Requires the state board of education to offer two levels of professional teacher certification  |
| SB 0346 | Revises banking laws   |
| SB 0371 | Allows MOHELA to provide loans for nonsectarian tuition and other costs for certain students     |
| HB 0221 | Revises banking laws   |
| HB 0401 | Authorizes the board of public buildings to issue additional revenue bonds for expanded purposes |
| HB 0444 | Alters the distribution of the Gaming Commission Fund  |
| HB 0688 | Creates the Life Sciences Research Trust Fund and the board for its administration               |

#### **EDUCATION, PROPRIETARY**

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| SB 0371 | Allows MOHELA to provide loans for nonsectarian tuition and other costs for certain students |
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#### **ELDERLY**

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| SB 0307 | Modifies the rebate amount for prescription drugs in the Missouri Senior Prescription Program     |
| SB 0534 | Includes definitions for protective oversight and voluntary leave in the Omnibus Nursing Home Act |
| SB 0556 | Modifies various provisions relating to the protection of the elderly                             |
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- HB 0286 Modifies provisions relating to the federal reimbursement allowance, Senior Rx Program, and pharmacy provider tax

#### **ELECTIONS**

- SB 0029 Prohibits courts from altering, setting aside, or ignoring withdrawal deadlines in elections (Vetoed)
- SB 0050 Modifies time for election authority to complete verification of initiative or referendum petition signatures
- SB 0136 Changes filing and meeting dates for offices in political subdivisions and special districts
- SB 0143 Specifies the effective dates for vetoed bills when veto is overridden
- SB 0321 Requires persons discharged from prison or parole, to be informed of the procedures to register to vote
- SB 0358 Requires budgetary approval of Platte County or city within Platte County for expenditures to local election board (Vetoed)
- SB 0623 Creates procedures for challenges to fiscal notes in initiatives and referenda
- HB 0133 Modifies jurisdiction for election contests involving the offices of circuit and associate judge
- HB 0511 Revises election laws to comply with the Help America Vote Act of 2002

#### **ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT**

- SB 0007 Authorizes conveyance of state property in Pettis County (Vetoed)
- SB 0296 Requires the state board of education to offer two levels of professional teacher certification
- HB 0002 Appropriations for elementary and secondary education (Vetoed)
- HB 0554 Creates inclement weather exceptions for mandatory school attendance requirements
- HB 0655 Revises certain special education services

#### **EMERGENCIES**

- SB 0269 Enables Excelsior Springs to submit a public safety sales tax to its voters
- HB 0307 Allows political subdivisions to enter into agreements for reciprocal emergency aid without approval of the governor

#### **EMBLEMS**

- SB 0651 Makes the Norton/Cynthiana grape the official state grape
- HB 0463 Makes the city of Adrian the purple martin capital
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**EMPLOYEES-EMPLOYERS**

- SB 0002 Refines various provisions of employment security (Vetoed)  
SB 0184 Allows the sexual offender registry to be posted on the Internet  
SB 0194 Allows Indian tribes to be considered employers  
SB 0294 Requires criminal history check for certain persons related to the gaming and civilian review boards  
SB 0330 Allows child support orders to be sent to employers by regular or certified mail  
SB 0552 Expands the list of property exempt from attachment to clarify that all qualified retirement plans will be exempt  
HB 0267 Revises various provisions relating to the powers of county commissions  
HB 0523 Requires criminal history check for certain persons related to the gaming industry  
HB 0553 Allows health benefits for retired officers and dependents of deceased officers of political subdivisions

**EMPLOYMENT SECURITY**

- SB 0002 Refines various provisions of employment security (Vetoed)  
SB 0194 Allows Indian tribes to be considered employers

**ENERGY**

- SB 0255 Eliminates PSC ratemaking oversight for certain not-for-profit electrical cooperatives  
SB 0555 Addresses ability of certain aluminum smelters and cities to purchase energy outside of PSC oversight  
HB 0208 Revises various provisions regarding the Public Service Commission

**ENTERTAINMENT, SPORTS AND AMUSEMENTS**

- SB 0052 Modifies the nonresident athletes and entertainers tax  
SB 0298 Revises liquor license requirements, operational restrictions, and enforcement provisions

**ENVIRONMENTAL PROTECTION**

- SB 0054 Allows biennial vehicle emissions testing in certain attainment areas  
SB 0199 Modifies the classification of counties, and various other provisions related to counties and county government (Vetoed)  
SB 0546 Allows Johnson County to adopt and impose landfill fees
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**ESTATES, WILLS AND TRUSTS**

HB 0394 Defines next-of-kin for purposes of disposition of human remains

**ETHICS**

HB 0099 Modifies certain campaign finance reporting requirements

**EVIDENCE**

SB 0280 Enacts various tort reform measures (Vetoed)

**FAIRS**

SB 0611 Allows county agricultural and mechanical societies to borrow money and mortgage property

**FAMILY LAW**

SB 0063 Rulings on termination of parental rights shall be final for purposes of appeal

SB 0330 Allows child support orders to be sent to employers by regular or certified mail

HB 0253 Eliminates requirement for petitioner to disclose Social Security number in connection with a protective order

**FAMILY SERVICES DIVISION**

HB 0445 Includes Christian Science practitioners in the definition of "minister" for purposes of mandatory child abuse reports

HB 0575 Adds the Ozark Foothills and the North Central Missouri child assessment centers

HB 0679 Modifies various provisions of the law relating to foster care and protective services for children (Vetoed)

**FEDERAL-STATE RELATIONS**

HB 0286 Modifies provisions relating to the federal reimbursement allowance, Senior Rx Program, and pharmacy provider tax

**FEES**

SB 0218 Authorizes imposition of lateral sewer service repair fee in certain situations

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- SB 0301 Increases maximum lateral sewer service repair fee to be imposed from \$28 to \$50 per year
- SB 0346 Revises banking laws
- SB 0447 Creates the basic civil legal services fund
- SB 0448 Extends sunset for statewide court automation fund
- SB 0466 Modifies provisions relating to charges in criminal cases
- SB 0467 Increases criminal case filing surcharge
- SB 0474 Modifies surcharge procedure in civil case filings
- SB 0546 Allows Johnson County to adopt and impose landfill fees
- HB 0221 Revises banking laws
- HB 0371 Amends various commercial motor vehicle laws
- HB 0552 Allows certain counties to use court fees collected pursuant to section 488.426 for courtroom renovation and technology
- HB 0599 Authorizes additional municipal court cost for Kansas City

#### **FIRE PROTECTION**

- SB 0068 Modifies provision regarding refunds of ambulance and fire protection district sales tax
- SB 0202 Requires access to water supply for fire protection entities during emergencies
- SB 0269 Enables Excelsior Springs to submit a public safety sales tax to its voters
- SB 0456 Allows a self-directed deferred retirement plan program for the St. Louis Firefighters Retirement System
- HB 0521 Allows the fire education trust fund to receive moneys from gifts, grants, or appropriations

#### **FIREARMS AND FIREWORKS**

- SB 0005 Makes numerous changes to sentencing laws
- SB 0013 Prohibits certain suits by political subdivisions and the state against firearm manufacturers and dealers (Vetoed)
- HB 0349 Allows issuance of permits to carry concealed weapons (Vetoed)

#### **FUNERALS AND FUNERAL DIRECTORS**

- SB 0425 Modifies various provisions dealing with the reporting and investigation of an individual's death (Vetoed)
- HB 0375 Modifies various provisions dealing with the reporting and investigation of an individual's death (Vetoed)
- HB 0394 Defines next-of-kin for purposes of disposition of human remains

**GAMBLING**

- SB 0294 Requires criminal history check for certain persons related to the gaming and civilian review boards  
HB 0444 Alters the distribution of the Gaming Commission Fund  
HB 0523 Requires criminal history check for certain persons related to the gaming industry  
HB 0600 Makes various modifications to the law on taxation

**GENERAL ASSEMBLY**

- SB 0012 Enacts the Religious Freedom Restoration Act  
SB 0069 Creates the Small Business Regulatory Fairness Board to serve as liaison between agencies and small businesses (Vetoed)  
SB 0143 Specifies the effective dates for vetoed bills when veto is overridden  
SB 0212 Modifies provisions for highway patrol salary schedules and the Kansas City police retirement system  
SB 0299 Requires performance-based budgeting and creates the Sunset Act  
SB 0511 Establishes the Joint Committee on the Life Sciences  
SB 0548 Requires annual report by the Jt. Committee on Legislative Research listing statutes expiring within the next 2 years  
SCR 001 Rejects salary increase recommendations of the Citizens' Commission on Compensation for Elected Officials  
SCR 008 Renaming the St. Louis office of the division of workforce development after Nathaniel J. "Nat" Rivers  
SCR 011 Relating to the creation of the comprehensive patient education and health care cost improvement pilot project  
SCR 013 Creates a subcommittee on Competition and Privatization within the Joint Committee on Legislative Research  
HB 0099 Modifies certain campaign finance reporting requirements  
HB 0465 Establishes the Joint Committee on the Life Sciences  
HB 0600 Makes various modifications to the law on taxation  
HCR 006 Disapproves the salary recommendations submitted by the MO. Citizen's Comm. on Compensation for Elected Officials  
HCR 015 Establishes March 6th as Lymphedema D-Day in Missouri.

**GOVERNOR & LT. GOVERNOR**

- SB 0069 Creates the Small Business Regulatory Fairness Board to serve as liaison between agencies and small businesses (Vetoed)  
SB 0143 Specifies the effective dates for vetoed bills when veto is overridden  
SB 0212 Modifies provisions for highway patrol salary schedules and the Kansas City police retirement system  
SB 0224 Authorizes easement on state property to the city of Fulton (Vetoed)
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- SB 0239 Authorizes conveyance of National Guard Armory in Sedalia to the Sedalia School District Foundation
- SB 0275 Addresses authority of governor to convey certain state property in Cole County
- SB 0299 Requires performance-based budgeting and creates the Sunset Act
- SB 0562 Authorizes conveyance of state property located in St. Louis County to the City of Pacific
- SB 0577 Authorizes the conveyance of an easement in the form of a right-of-way in the City of St. Joseph
- SB 0578 Authorizes the conveyance of land owned by the state in Platte County
- SCR 001 Rejects salary increase recommendations of the Citizens' Commission on Compensation for Elected Officials
- HB 0093 Authorizes the conveyance of land owned by the state in Callaway County to the City of Fulton
- HB 0254 Adopts the Uniform Electronics Transactions Act
- HB 0307 Allows political subdivisions to enter into agreements for reciprocal emergency aid without approval of the governor
- HB 0574 Authorizes the conveyance of certain land owned by the state to the City of Pacific

#### **GUARDIANS**

- SB 0266 Requires the department of mental health to develop plans for children and persons on waiting lists
- SB 0351 Changes the procedure in which parental or guardian consent is noted for the organ donation process of minors

#### **HEALTH CARE**

- SB 0266 Requires the department of mental health to develop plans for children and persons on waiting lists
- SB 0280 Enacts various tort reform measures (Vetoed)
- SB 0307 Modifies the rebate amount for prescription drugs in the Missouri Senior Prescription Program
- SB 0317 Establishes a December 15, 2003, deadline for a MCHCP study which is presently required by law but possesses no deadline
- SB 0407 Modifies the requirements for health insurance coverage of clinical trials
- SB 0431 Modifies the law relating to informed consent for experimental treatments by accredited teaching hospitals
- SB 0534 Includes definitions for protective oversight and voluntary leave in the Omnibus Nursing Home Act
- SB 0556 Modifies various provisions relating to the protection of the elderly
- HB 0121 Modifies provisions in the law relating to managed care chiropractic services
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- HB 0156 Requires consent twenty-four hours prior to an abortion and proof of medical malpractice insurance (Vetoed)
- HB 0202 Creates the Missouri Calcium Initiative
- HB 0286 Modifies provisions relating to the federal reimbursement allowance, Senior Rx Program, and pharmacy provider tax
- HB 0390 Regulates the licensing and registration of anesthesiologist assistants
- HB 0455 Mandates coverage for alopecia in persons 18 & under for the Medicaid program, MC+ & the MO Consolidated Health Care Plan
- HB 0688 Creates the Life Sciences Research Trust Fund and the board for its administration
- HCR 015 Establishes March 6th as Lymphedema D-Day in Missouri.

#### **HEALTH CARE PROFESSIONALS**

- SB 0280 Enacts various tort reform measures (Vetoed)
- SB 0407 Modifies the requirements for health insurance coverage of clinical trials
- HB 0156 Requires consent twenty-four hours prior to an abortion and proof of medical malpractice insurance (Vetoed)
- HB 0390 Regulates the licensing and registration of anesthesiologist assistants
- HB 0440 Modifies release of records to dental well-being committee

#### **HEALTH DEPARTMENT**

- SB 0175 Creates a food recovery program to provide food to needy persons
- SB 0307 Modifies the rebate amount for prescription drugs in the Missouri Senior Prescription Program
- SB 0355 Allows persons registering their vehicle to make a \$1 donation to the organ donor program
- SB 0356 Makes a technical change in the organ donation license law
- SB 0534 Includes definitions for protective oversight and voluntary leave in the Omnibus Nursing Home Act
- SB 0556 Modifies various provisions relating to the protection of the elderly
- SB 0618 Requires the Department of Mental Health to develop a state suicide prevention plan
- HB 0059 Requires the department of mental health to develop a state suicide prevention plan and creates a council on pain mgt.
- HB 0156 Requires consent twenty-four hours prior to an abortion and proof of medical malpractice insurance (Vetoed)
- HB 0286 Modifies provisions relating to the federal reimbursement allowance, Senior Rx Program, and pharmacy provider tax
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**HEALTH, PUBLIC**

- SB 0307 Modifies the rebate amount for prescription drugs in the Missouri Senior Prescription Program
- SB 0351 Changes the procedure in which parental or guardian consent is noted for the organ donation process of minors
- SB 0618 Requires the Department of Mental Health to develop a state suicide prevention plan
- HB 0059 Requires the department of mental health to develop a state suicide prevention plan and creates a council on pain mgt.
- HB 0202 Creates the Missouri Calcium Initiative
- HB 0286 Modifies provisions relating to the federal reimbursement allowance, Senior Rx Program, and pharmacy provider tax
- HB 0575 Adds the Ozark Foothills and the North Central Missouri child assessment centers
- HCR 015 Establishes March 6th as Lymphedema D-Day in Missouri.

**HIGHER EDUCATION DEPARTMENT**

- SB 0055 Renames Missouri Southern State College as Missouri Southern State University-Joplin
- SB 0371 Allows MOHELA to provide loans for nonsectarian tuition and other costs for certain students
- HB 0003 Appropriations for higher education (Vetoed)

**HIGHWAY PATROL**

- SB 0184 Allows the sexual offender registry to be posted on the Internet
- SB 0212 Modifies provisions for highway patrol salary schedules and the Kansas City police retirement system
- SB 0248 Revises provisions of various retirement plans
- SB 0289 Names the portion of Highway 71 within Jasper County the "Trooper Charles P. Corbin Memorial Highway"
- SB 0423 Designates a portion of Highway 65 in Taney County as the "Trooper Jimmie Linegar Memorial Highway"
- SB 0468 Modifies types of case dispositions that must be reported to the Uniform Law Enforcement System Records
- SB 0598 Establishes the Corporal Bobbie J. Harper Memorial Highway on U.S. Highway 71 in McDonald County
- HB 0247 Allows special mobile equipment to be operated on the highways at any time under certain circumstances
- HB 0679 Modifies various provisions of the law relating to foster care and protective services for children (Vetoed)

**HISTORIC PRESERVATION**

SB 0108 Adds the Chief Information Officer to the State Records Commission

**HOLIDAYS**

HB 0640 Establishes Emancipation Day as a state holiday

HCR 015 Establishes March 6th as Lymphedema D-Day in Missouri.

**HOSPITALS**

SB 0425 Modifies various provisions dealing with the reporting and investigation of an individual's death (Vetoed)

SB 0431 Modifies the law relating to informed consent for experimental treatments by accredited teaching hospitals

HB 0156 Requires consent twenty-four hours prior to an abortion and proof of medical malpractice insurance (Vetoed)

HB 0286 Modifies provisions relating to the federal reimbursement allowance, Senior Rx Program, and pharmacy provider tax

HB 0375 Modifies various provisions dealing with the reporting and investigation of an individual's death (Vetoed)

HB 0390 Regulates the licensing and registration of anesthesiologist assistants

**INSURANCE-AUTOMOBILE**

SB 0207 Modifies the law regarding damage claims by rental companies for rental motor vehicles

HB 0327 Enacts various provisions relating to transportation and operation of motor vehicles (Vetoed)

**INSURANCE DEPARTMENT**

HB 0121 Modifies provisions in the law relating to managed care chiropractic services

HB 0455 Mandates coverage for alopecia in persons 18 & under for the Medicaid program, MC+ & the MO Consolidated Health Care Plan

**INSURANCE-GENERAL**

SB 0280 Enacts various tort reform measures (Vetoed)

SB 0346 Revises banking laws

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**INSURANCE-MEDICAL**

- SB 0407 Modifies the requirements for health insurance coverage of clinical trials
- SCR 011 Relating to the creation of the comprehensive patient education and health care cost improvement pilot project
- HB 0121 Modifies provisions in the law relating to managed care chiropractic services
- HB 0156 Requires consent twenty-four hours prior to an abortion and proof of medical malpractice insurance (Vetoed)
- HB 0455 Mandates coverage for alopecia in persons 18 & under for the Medicaid program, MC+ & the MO Consolidated Health Care Plan

**INSURANCE-PROPERTY**

- SB 0243 Creates the State Property Preservation Fund

**JACKSON COUNTY**

- SB 0547 Modifies pay schedules for certain county clerks and treasurers

**JUDGES**

- SB 0069 Creates the Small Business Regulatory Fairness Board to serve as liaison between agencies and small businesses (Vetoed)
- SB 0101 Allows Cass County to establish a municipal court system to prosecute ordinance violations
- SB 0203 Modifies enforcement of administrative subpoenas (Vetoed)
- SB 0447 Creates the basic civil legal services fund
- SB 0457 Allows a position on the executive council of the judicial conference to be filled
- SB 0465 Modifies duties of judicial finance commission
- SB 0466 Modifies provisions relating to charges in criminal cases
- SB 0467 Increases criminal case filing surcharge
- SB 0468 Modifies types of case dispositions that must be reported to the Uniform Law Enforcement System Records
- SB 0471 Modifies filing requirements for child support garnishment orders
- SB 0474 Modifies surcharge procedure in civil case filings
- SCR 001 Rejects salary increase recommendations of the Citizens' Commission on Compensation for Elected Officials
- HB 0133 Modifies jurisdiction for election contests involving the offices of circuit and associate judge
- HB 0141 Modifies enforcement of administrative subpoenas
- HB 0430 Allows a position on the executive council of the Judicial Conference to be filled

- HB 0600 Makes various modifications to the law on taxation  
HB 0613 Modifies provisions of court procedure  
HCR 006 Disapproves the salary recommendations submitted by the MO.  
Citizen's Comm. on Compensation for Elected Officials

#### **JURIES**

- SB 0101 Allows Cass County to establish a municipal court system to prosecute ordinance violations  
HB 0613 Modifies provisions of court procedure

#### **KANSAS CITY**

- SB 0014 Revises maximum allowable salary for certain Kansas City police officers  
SB 0212 Modifies provisions for highway patrol salary schedules and the Kansas City police retirement system  
SB 0238 Modifies provisions regarding incorporation or annexation of unincorporated areas in Cass County  
SB 0298 Revises liquor license requirements, operational restrictions, and enforcement provisions  
HB 0122 Extends the KC public mass transportation sales tax from December 31, 2003, to December 31, 2005  
HB 0152 Modifies retirement provisions for Kansas City police and the teacher and nonteacher public school retirement systems  
HB 0166 Modifies provisions regarding incorporation or annexation of unincorporated areas in Cass County  
HB 0199 Raises the maximum annual base salaries of certain ranks of Kansas City police officers  
HB 0289 Creates the Missouri Downtown and Rural Economic Stimulus Act and modifies tax increment financing provisions  
HB 0346 Modifies the provisions of the public school and nonteacher retirement systems and Kansas City teacher retirement  
HB 0511 Revises election laws to comply with the Help America Vote Act of 2002  
HB 0599 Authorizes additional municipal court cost for Kansas City

#### **LABOR AND INDUSTRIAL RELATIONS DEPARTMENT**

- SB 0002 Refines various provisions of employment security (Vetoed)  
SB 0194 Allows Indian tribes to be considered employers  
SB 0385 Modifies how taxes are calculated for workers' compensation policies with deductible options  
SB 0401 Modifies the definition of crime under Chapter 595, RSMo, and crime victims' compensation fund (Vetoed)
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**LABOR AND MANAGEMENT**

SB 0194 Allows Indian tribes to be considered employers

**LAW ENFORCEMENT OFFICERS AND AGENCIES**

SB 0014 Revises maximum allowable salary for certain Kansas City police officers  
SB 0212 Modifies provisions for highway patrol salary schedules and the Kansas City police retirement system  
SB 0250 Allows certain counties to enact a one-half percent sales tax for law enforcement purposes (Vetoed)  
SB 0269 Enables Excelsior Springs to submit a public safety sales tax to its voters  
SB 0466 Modifies provisions relating to charges in criminal cases  
SB 0513 Removes discretion of board of police commissioners as to paid vacation and holidays in some situations  
HB 0097 Authorizes a sales tax for law enforcement purposes in Jefferson County  
HB 0138 Establishes the Missouri Corrections Officers Training and Standards Commission (MoCOTS)  
HB 0152 Modifies retirement provisions for Kansas City police and the teacher and nonteacher public school retirement systems  
HB 0185 Creates the AMBER Alert System  
HB 0199 Raises the maximum annual base salaries of certain ranks of Kansas City police officers  
HB 0349 Allows issuance of permits to carry concealed weapons (Vetoed)  
HB 0470 Modifies various crimes and criminal procedures  
HB 0613 Modifies provisions of court procedure

**LIABILITY**

SB 0013 Prohibits certain suits by political subdivisions and the state against firearm manufacturers and dealers (Vetoed)  
SB 0175 Creates a food recovery program to provide food to needy persons  
SB 0280 Enacts various tort reform measures (Vetoed)

**LIBRARIES AND ARCHIVES**

SB 0052 Modifies the nonresident athletes and entertainers tax  
SB 0108 Adds the Chief Information Officer to the State Records Commission  
HB 0552 Allows certain counties to use court fees collected pursuant to section 488.426 for courtroom renovation and technology

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**LICENSES-DRIVER'S**

- SB 0351 Changes the procedure in which parental or guardian consent is noted for the organ donation process of minors

**LICENSES-LIQUOR AND BEER**

- SB 0298 Revises liquor license requirements, operational restrictions, and enforcement provisions
- SB 0540 Limits the number of microbrewer licenses available to an individual and his agents

**LICENSES-MISCELLANEOUS**

- SB 0556 Modifies various provisions relating to the protection of the elderly
- HB 0349 Allows issuance of permits to carry concealed weapons (Vetoed)
- HB 0679 Modifies various provisions of the law relating to foster care and protective services for children (Vetoed)

**LICENSES-MOTOR VEHICLE**

- SB 0004 Creates the Antiterrorism Fund and Fight Terrorism license plate
- SB 0355 Allows persons registering their vehicle to make a \$1 donation to the organ donor program
- SB 0356 Makes a technical change in the organ donation license law
- HB 0075 Allows any qualified applicant for the "SILVER STAR" license plate to obtain two sets of plates
- HB 0187 Allows honorably discharged veterans to obtain "U.S. VET" motor vehicle license plates
- HB 0247 Allows special mobile equipment to be operated on the highways at any time under certain circumstances
- HB 0327 Enacts various provisions relating to transportation and operation of motor vehicles (Vetoed)
- HB 0478 Allows members of Optimist International to obtain special license plates bearing the organization's official emblem (Vetoed)
- HB 0491 Creates biennial registration periods for certain plates and modifies other license plate provisions
- HB 0493 Creates the Missouri Society of Professional Engineers special license plate (Vetoed)
- HB 0598 Revises disabled license plate law, emissions testing law, and creates numerous special license plates (Vetoed)
- HB 0668 Enacts various accountability measures relating to the department of transportation
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**LICENSES-PROFESSIONAL**

- SB 0327 Modifies provisions of real estate appraiser licensing
- SB 0478 Creates inactive status for architects and psychologists and modifies duties of landscape architects
- SB 0492 Revises the registration of a commercial interior designer
- HB 0332 Protects use of the title "social worker"
- HB 0358 Revises procedure for inactively licensed barber to reinstate license
- HB 0390 Regulates the licensing and registration of anesthesiologist assistants
- HB 0600 Makes various modifications to the law on taxation

**LIENS**

- SB 0346 Revises banking laws
- SB 0373 Modifies provisions of the self-storage facilities act
- SB 0552 Expands the list of property exempt from attachment to clarify that all qualified retirement plans will be exempt
- HB 0221 Revises banking laws
- HB 0512 Modifies provisions of the self-storage facilities act

**LOTTERIES**

- SB 0294 Requires criminal history check for certain persons related to the gaming and civilian review boards

**MEDICAID**

- SB 0556 Modifies various provisions relating to the protection of the elderly
- HB 0286 Modifies provisions relating to the federal reimbursement allowance, Senior Rx Program, and pharmacy provider tax

**MEDICAL PROCEDURES AND PERSONNEL**

- SB 0351 Changes the procedure in which parental or guardian consent is noted for the organ donation process of minors
- SB 0407 Modifies the requirements for health insurance coverage of clinical trials
- SB 0431 Modifies the law relating to informed consent for experimental treatments by accredited teaching hospitals
- SB 0506 Includes the use of lasers within the definition of dentistry
- HB 0059 Requires the department of mental health to develop a state suicide prevention plan and creates a council on pain mgt.
- HB 0156 Requires consent twenty-four hours prior to an abortion and proof of medical malpractice insurance (Vetoed)

- HB 0376 Changes the certification organization for deputy county coroners (Vetoed)  
HB 0390 Regulates the licensing and registration of anesthesiologist assistants  
HB 0477 Requires the department of corrections to test for tuberculosis on all offenders

#### **MENTAL HEALTH**

- SB 0266 Requires the department of mental health to develop plans for children and persons on waiting lists  
SB 0618 Requires the Department of Mental Health to develop a state suicide prevention plan  
HB 0059 Requires the department of mental health to develop a state suicide prevention plan and creates a council on pain mgt.

#### **MENTAL HEALTH DEPARTMENT**

- SB 0184 Allows the sexual offender registry to be posted on the Internet  
SB 0266 Requires the department of mental health to develop plans for children and persons on waiting lists  
SB 0556 Modifies various provisions relating to the protection of the elderly  
SB 0618 Requires the Department of Mental Health to develop a state suicide prevention plan  
HB 0059 Requires the department of mental health to develop a state suicide prevention plan and creates a council on pain mgt.  
HB 0679 Modifies various provisions of the law relating to foster care and protective services for children (Vetoed)

#### **MERCHANDISING PRACTICES**

- SB 0292 Limits disclosure of credit card account numbers on sales receipts provided to cardholder  
HB 0228 Creates a no-spam list in the Attorney General's office for unsolicited commercial e-mail  
HB 0470 Modifies various crimes and criminal procedures

#### **MILITARY AFFAIRS**

- SB 0219 Creates the Korean Conflict Medallion Program  
SB 0325 Alters provisions regarding veterans & mandates that public schools devote one class period observing Veterans Day  
HB 0292 Designates the DeSoto Armory as the William E. "Bud" Lewis Armory  
HB 0511 Revises election laws to comply with the Help America Vote Act of 2002
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**MINING AND OIL AND GAS PRODUCTION**

SB 0295 Makes various modifications to laws regarding tax sales of land

**MINORITIES**

HB 0640 Establishes Emancipation Day as a state holiday

**MORTGAGES AND DEEDS**

SB 0346 Revises banking laws

SB 0383 Modifies duties of county recorder in manner of recording certain documents

HB 0221 Revises banking laws

**MOTOR CARRIERS**

HB 0327 Enacts various provisions relating to transportation and operation of motor vehicles (Vetoed)

**MOTOR VEHICLES**

SB 0004 Creates the Antiterrorism Fund and Fight Terrorism license plate

SB 0054 Allows biennial vehicle emissions testing in certain attainment areas

SB 0207 Modifies the law regarding damage claims by rental companies for rental motor vehicles

SB 0280 Enacts various tort reform measures (Vetoed)

SB 0314 Repeals a doubly-enacted section regarding the towing of motor vehicles from private property

SB 0621 Allows certain cities to abate certain types of public nuisances and charge the cost of removal against owner

HB 0075 Allows any qualified applicant for the "SILVER STAR" license plate to obtain two sets of plates

HB 0187 Allows honorably discharged veterans to obtain "U.S. VET" motor vehicle license plates

HB 0247 Allows special mobile equipment to be operated on the highways at any time under certain circumstances

HB 0327 Enacts various provisions relating to transportation and operation of motor vehicles (Vetoed)

HB 0371 Amends various commercial motor vehicle laws

HB 0392 Regulates establishment and relocation of motorcycle and other types of franchises

HB 0478 Allows members of Optimist International to obtain special license plates bearing the organization's official emblem (Vetoed)

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- HB 0491 Creates biennial registration periods for certain plates and modifies other license plate provisions
- HB 0598 Revises disabled license plate law, emissions testing law, and creates numerous special license plates (Vetoed)

#### **NATIONAL GUARD**

- HB 0292 Designates the DeSoto Armory as the William E. "Bud" Lewis Armory

#### **NATURAL RESOURCES DEPARTMENT**

- SB 0232 Authorizes conveyance of state property in Thousand Hills State Park
- SB 0606 Allows the department of natural resources to convey state land in certain situations

#### **NURSES**

- SB 0556 Modifies various provisions relating to the protection of the elderly

#### **NURSING AND BOARDING HOMES**

- SB 0534 Includes definitions for protective oversight and voluntary leave in the Omnibus Nursing Home Act
- SB 0556 Modifies various provisions relating to the protection of the elderly

#### **PARKS AND RECREATION**

- SB 0234 Allows Clay County to open or operate a concession stand at privately operated marinas
- SB 0282 Revises the maximum time a county commission may issue a lease or concession grant for certain public facilities

#### **PHARMACY**

- SB 0307 Modifies the rebate amount for prescription drugs in the Missouri Senior Prescription Program
- HB 0286 Modifies provisions relating to the federal reimbursement allowance, Senior Rx Program, and pharmacy provider tax

#### **PHYSICIANS**

- HB 0156 Requires consent twenty-four hours prior to an abortion and proof of medical malpractice insurance (Vetoed)
- HB 0390 Regulates the licensing and registration of anesthesiologist assistants
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**PLANNING AND ZONING**

- SB 0121 Includes Cass County in a certain planning and zoning program  
SB 0379 Allows the City of Springfield to remove or transfer real property from a district or zone designation  
HB 0244 Includes Cass County in a certain planning and zoning program  
HB 0277 Allows the City of Springfield to remove or transfer real property from a district or zone designation

**POLITICAL SUBDIVISIONS**

- SB 0012 Enacts the Religious Freedom Restoration Act  
SB 0013 Prohibits certain suits by political subdivisions and the state against firearm manufacturers and dealers (Vetoed)  
SB 0136 Changes filing and meeting dates for offices in political subdivisions and special districts  
SB 0379 Allows the City of Springfield to remove or transfer real property from a district or zone designation  
HB 0277 Allows the City of Springfield to remove or transfer real property from a district or zone designation  
HB 0307 Allows political subdivisions to enter into agreements for reciprocal emergency aid without approval of the governor  
HB 0314 Prohibits public entities from requiring certain people to obtain a surety bond from a particular company  
HB 0472 Establishes procedures for appointing boards of directors in community improvement districts  
HB 0552 Allows certain counties to use court fees collected pursuant to section 488.426 for courtroom renovation and technology  
HB 0553 Allows health benefits for retired officers and dependents of deceased officers of political subdivisions  
HB 0599 Authorizes additional municipal court cost for Kansas City

**PRISONS AND JAILS**

- SB 0321 Requires persons discharged from prison or parole, to be informed of the procedures to register to vote  
SB 0399 Expands the crime of delivering any controlled substances to prisons, city & county jails, and private prisons & jails  
HB 0138 Establishes the Missouri Corrections Officers Training and Standards Commission (MoCOTS)  
HB 0477 Requires the department of corrections to test for tuberculosis on all offenders
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**PROBATION AND PAROLE**

- SB 0321 Requires persons discharged from prison or parole, to be informed of the procedures to register to vote

**PROPERTY, REAL AND PERSONAL**

- SB 0007 Authorizes conveyance of state property in Pettis County (Vetoed)  
SB 0016 Allows first class counties to retain a larger percentage of a portion of the assessed valuation  
SB 0122 Enables the assessor in third class counties to make certain entries to the assessor's book after delivery of the book  
SB 0130 Authorizes conveyance of state property along Knaust Road in St. Charles County  
SB 0199 Modifies the classification of counties, and various other provisions related to counties and county government (Vetoed)  
SB 0218 Authorizes imposition of lateral sewer service repair fee in certain situations  
SB 0224 Authorizes easement on state property to the city of Fulton (Vetoed)  
SB 0232 Authorizes conveyance of state property in Thousand Hills State Park  
SB 0235 Considers the value of a redevelopment area when calculating local indebtedness limit  
SB 0239 Authorizes conveyance of National Guard Armory in Sedalia to the Sedalia School District Foundation  
SB 0243 Creates the State Property Preservation Fund  
SB 0275 Addresses authority of governor to convey certain state property in Cole County  
SB 0288 Changes the time for the owner of lost property to prove property from one year to 180 days after publication  
SB 0295 Makes various modifications to laws regarding tax sales of land  
SB 0301 Increases maximum lateral sewer service repair fee to be imposed from \$28 to \$50 per year  
SB 0357 Modifies venue for administrative actions involving real property  
SB 0562 Authorizes conveyance of state property located in St. Louis County to the City of Pacific  
SB 0577 Authorizes the conveyance of an easement in the form of a right-of-way in the City of St. Joseph  
SB 0578 Authorizes the conveyance of land owned by the state in Platte County  
SB 0606 Allows the department of natural resources to convey state land in certain situations  
SB 0621 Allows certain cities to abate certain types of public nuisances and charge the cost of removal against owner  
HB 0057 Clarifies the language to be included in the certification on each personal property tax list
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| HB 0060 | Changes the time period in which a taxpayer may claim a refund of taxes mistakenly or erroneously paid |
| HB 0093 | Authorizes the conveyance of land owned by the state in Callaway County to the City of Fulton          |
| HB 0166 | Modifies provisions regarding incorporation or annexation of unincorporated areas in Cass County       |
| HB 0277 | Allows the City of Springfield to remove or transfer real property from a district or zone designation |
| HB 0278 | Authorizes conveyance of state property along Knaust Road in St. Charles County (Vetoed)               |
| HB 0292 | Designates the DeSoto Armory as the William E. "Bud" Lewis Armory                                      |
| HB 0326 | Changes the boundary description of Ste. Genevieve County  |
| HB 0327 | Enacts various provisions relating to transportation and operation of motor vehicles (Vetoed)          |
| HB 0512 | Modifies provisions of the self-storage facilities act   |
| HB 0521 | Allows the fire education trust fund to receive moneys from gifts, grants, or appropriations           |
| HB 0574 | Authorizes the conveyance of certain land owned by the state to the City of Pacific                    |

#### **PSYCHOLOGISTS**

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| SB 0478 | Creates inactive status for architects and psychologists and modifies duties of landscape architects |
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#### **PUBLIC ASSISTANCE**

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| SB 0175 | Creates a food recovery program to provide food to needy persons            |
| SB 0269 | Enables Excelsior Springs to submit a public safety sales tax to its voters |

#### **PUBLIC BUILDINGS**

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| SB 0243 | Creates the State Property Preservation Fund   |
| SCR 008 | Renaming the St. Louis office of the division of workforce development after Nathaniel J. "Nat" Rivers |
| HB 0401 | Authorizes the board of public buildings to issue additional revenue bonds for expanded purposes       |

#### **PUBLIC OFFICERS**

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| SB 0299 | Requires performance-based budgeting and creates the Sunset Act  |
| SB 0317 | Establishes a December 15, 2003, deadline for a MCHCP study which is presently required by law but possesses no deadline |
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- SB 0425 Modifies various provisions dealing with the reporting and investigation of an individual's death (Vetoed)
- HB 0099 Modifies certain campaign finance reporting requirements
- HB 0314 Prohibits public entities from requiring certain people to obtain a surety bond from a particular company
- HB 0375 Modifies various provisions dealing with the reporting and investigation of an individual's death (Vetoed)

#### **PUBLIC RECORDS, PUBLIC MEETINGS**

- SB 0327 Modifies provisions of real estate appraiser licensing
- HB 0253 Eliminates requirement for petitioner to disclose Social Security number in connection with a protective order
- HB 0254 Adopts the Uniform Electronics Transactions Act

#### **PUBLIC SAFETY DEPARTMENT**

- SB 0030 Creates the Amber Alert System
- SB 0039 Revises numerous provisions relating to emergency services
- SB 0401 Modifies the definition of crime under Chapter 595, RSMo, and crime victims' compensation fund (Vetoed)
- HB 0138 Establishes the Missouri Corrections Officers Training and Standards Commission (MoCOTS)
- HB 0185 Creates the AMBER Alert System

#### **PUBLIC SERVICE COMMISSION**

- SB 0255 Eliminates PSC ratemaking oversight for certain not-for-profit electrical cooperatives
- SB 0555 Addresses ability of certain aluminum smelters and cities to purchase energy outside of PSC oversight
- HB 0208 Revises various provisions regarding the Public Service Commission

#### **RAILROADS**

- SB 0529 Allows certain railroads within Missouri to be designated by the division of tourism as official state railroads

#### **RELIGION**

- SB 0012 Enacts the Religious Freedom Restoration Act
- HB 0445 Includes Christian Science practitioners in the definition of "minister" for purposes of mandatory child abuse reports
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**RETIREMENT-LOCAL GOVERNMENT**

- HB 0131 Revises provisions for the local government employees retirement system
- HB 0152 Modifies retirement provisions for Kansas City police and the teacher and nonteacher public school retirement systems
- HB 0348 Revises provisions of optional retirement and beneficiary election provisions of the LAGERS system

**RETIREMENT-SCHOOLS**

- SB 0248 Revises provisions of various retirement plans
- HB 0152 Modifies retirement provisions for Kansas City police and the teacher and nonteacher public school retirement systems
- HB 0346 Modifies the provisions of the public school and nonteacher retirement systems and Kansas City teacher retirement

**RETIREMENT-STATE**

- SB 0248 Revises provisions of various retirement plans

**RETIREMENT SYSTEMS AND BENEFITS-GENERAL**

- SB 0212 Modifies provisions for highway patrol salary schedules and the Kansas City police retirement system
- SB 0248 Revises provisions of various retirement plans
- SB 0456 Allows a self-directed deferred retirement plan program for the St. Louis Firefighters Retirement System
- HB 0131 Revises provisions for the local government employees retirement system
- HB 0152 Modifies retirement provisions for Kansas City police and the teacher and nonteacher public school retirement systems
- HB 0346 Modifies the provisions of the public school and nonteacher retirement systems and Kansas City teacher retirement
- HB 0600 Makes various modifications to the law on taxation

**REVENUE DEPARTMENT**

- SB 0004 Creates the Antiterrorism Fund and Fight Terrorism license plate
- SB 0011 Makes various modifications to taxation
- SB 0054 Allows biennial vehicle emissions testing in certain attainment areas
- SB 0068 Modifies provision regarding refunds of ambulance and fire protection district sales tax
- SB 0293 Allows the department of revenue to specify the minimum income tax filing level

- SB 0355 Allows persons registering their vehicle to make a \$1 donation to the organ donor program
- SB 0356 Makes a technical change in the organ donation license law
- HB 0075 Allows any qualified applicant for the "SILVER STAR" license plate to obtain two sets of plates
- HB 0181 Authorizes a transient guest tax in certain cities
- HB 0187 Allows honorably discharged veterans to obtain "U.S. VET" motor vehicle license plates
- HB 0257 Allows specific tax credits to be taken on a quarterly basis (Vetoed)
- HB 0327 Enacts various provisions relating to transportation and operation of motor vehicles (Vetoed)
- HB 0371 Amends various commercial motor vehicle laws
- HB 0478 Allows members of Optimist International to obtain special license plates bearing the organization's official emblem (Vetoed)
- HB 0493 Creates the Missouri Society of Professional Engineers special license plate (Vetoed)
- HB 0598 Revises disabled license plate law, emissions testing law, and creates numerous special license plates (Vetoed)
- HB 0600 Makes various modifications to the law on taxation

#### **ROADS AND HIGHWAYS**

- SB 0289 Names the portion of Highway 71 within Jasper County the "Trooper Charles P. Corbin Memorial Highway"
- SB 0423 Designates a portion of Highway 65 in Taney County as the "Trooper Jimmie Linegar Memorial Highway"
- SB 0598 Establishes the Corporal Bobbie J. Harper Memorial Highway on U.S. Highway 71 in McDonald County
- SB 0697 Designates a George Washington Carver Memorial Highway on a portion of Interstate 44 in Jasper and Newton Counties
- HB 0162 Designates a portion of U.S. Highway 63 in Macon County as the "Pearl Harbor Memorial Highway"
- HB 0245 Designates a portion of U.S. Highway 60 as the "Korea War Veterans' Memorial Freeway"
- HB 0247 Allows special mobile equipment to be operated on the highways at any time under certain circumstances
- HB 0249 Designates a portion of State Route WW within the City of Marshall as "Butterfield Ranch Road"
- HB 0261 Designates a portion of U.S. highway 65 as the "American Legion Memorial Highway"
- HB 0327 Enacts various provisions relating to transportation and operation of motor vehicles (Vetoed)
- HB 0371 Amends various commercial motor vehicle laws
- HB 0594 Establishes the procedures for disincorporation of a road district in Jasper County (Vetoed)
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**SAINT LOUIS**

- SB 0513 Removes discretion of board of police commissioners as to paid vacation and holidays in some situations
- HB 0289 Creates the Missouri Downtown and Rural Economic Stimulus Act and modifies tax increment financing provisions
- HB 0511 Revises election laws to comply with the Help America Vote Act of 2002

**SAINT LOUIS COUNTY**

- SB 0199 Modifies the classification of counties, and various other provisions related to counties and county government (Vetoed)
- SB 0218 Authorizes imposition of lateral sewer service repair fee in certain situations
- SB 0301 Increases maximum lateral sewer service repair fee to be imposed from \$28 to \$50 per year
- SB 0562 Authorizes conveyance of state property located in St. Louis County to the City of Pacific
- HB 0289 Creates the Missouri Downtown and Rural Economic Stimulus Act and modifies tax increment financing provisions

**SALARIES**

- SB 0014 Revises maximum allowable salary for certain Kansas City police officers
- SB 0426 Modifies time state employees may receive paid leave for volunteering as a Red Cross disaster service volunteer
- SB 0547 Modifies pay schedules for certain county clerks and treasurers
- HB 0199 Raises the maximum annual base salaries of certain ranks of Kansas City police officers

**SAVINGS AND LOAN**

- SB 0346 Revises banking laws
- HB 0221 Revises banking laws

**SCIENCE AND TECHNOLOGY**

- SB 0506 Includes the use of lasers within the definition of dentistry
- SB 0511 Establishes the Joint Committee on the Life Sciences
- HB 0254 Adopts the Uniform Electronics Transactions Act
- HB 0388 Allows certain first class counties to create a geographical information system
- HB 0465 Establishes the Joint Committee on the Life Sciences
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HB 0688 Creates the Life Sciences Research Trust Fund and the board for its administration

#### **SECRETARY OF STATE**

SB 0050 Modifies time for election authority to complete verification of initiative or referendum petition signatures

SB 0143 Specifies the effective dates for vetoed bills when veto is overridden

SB 0394 Modifies law governing corporate formalities

SB 0623 Creates procedures for challenges to fiscal notes in initiatives and referenda

HB 0380 Adopts Missouri Securities Act of 2003

HB 0511 Revises election laws to comply with the Help America Vote Act of 2002

#### **SECURITIES**

SB 0394 Modifies law governing corporate formalities

HB 0380 Adopts Missouri Securities Act of 2003

#### **SEWERS AND SEWER DISTRICTS**

SB 0218 Authorizes imposition of lateral sewer service repair fee in certain situations

SB 0301 Increases maximum lateral sewer service repair fee to be imposed from \$28 to \$50 per year

#### **SOCIAL SERVICES DEPARTMENT**

SB 0184 Allows the sexual offender registry to be posted on the Internet

SB 0266 Requires the department of mental health to develop plans for children and persons on waiting lists

SB 0330 Allows child support orders to be sent to employers by regular or certified mail

SB 0556 Modifies various provisions relating to the protection of the elderly

HB 0059 Requires the department of mental health to develop a state suicide prevention plan and creates a council on pain mgt.

HB 0286 Modifies provisions relating to the federal reimbursement allowance, Senior Rx Program, and pharmacy provider tax

HB 0356 Allows products made by youths in the division of youth services program to be sold at no more than 110% of cost

HB 0445 Includes Christian Science practitioners in the definition of "minister" for purposes of mandatory child abuse reports

HB 0575 Adds the Ozark Foothills and the North Central Missouri child assessment centers

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- HB 0679 Modifies various provisions of the law relating to foster care and protective services for children (Vetoed)

#### **STATE DEPARTMENTS**

- SB 0299 Requires performance-based budgeting and creates the Sunset Act  
SB 0511 Establishes the Joint Committee on the Life Sciences  
HB 0202 Creates the Missouri Calcium Initiative  
HB 0254 Adopts the Uniform Electronics Transactions Act  
HB 0314 Prohibits public entities from requiring certain people to obtain a surety bond from a particular company  
HB 0465 Establishes the Joint Committee on the Life Sciences

#### **STATE EMPLOYEES**

- SB 0248 Revises provisions of various retirement plans  
SB 0294 Requires criminal history check for certain persons related to the gaming and civilian review boards  
SB 0317 Establishes a December 15, 2003, deadline for a MCHCP study which is presently required by law but possesses no deadline  
SB 0426 Modifies time state employees may receive paid leave for volunteering as a Red Cross disaster service volunteer  
HB 0455 Mandates coverage for alopecia in persons 18 & under for the Medicaid program, MC+ & the MO Consolidated Health Care Plan  
HB 0523 Requires criminal history check for certain persons related to the gaming industry  
HB 0640 Establishes Emancipation Day as a state holiday

#### **TAX CREDITS**

- SB 0084 Allows specific tax credits be taken on a quarterly basis (Vetoed)  
SB 0504 Enables a satellite enterprise zone in Springfield  
SB 0620 Modifies the BUILD program and implements certain job retention provisions

#### **TAXATION AND REVENUE-GENERAL**

- SB 0011 Makes various modifications to taxation  
SB 0084 Allows specific tax credits be taken on a quarterly basis (Vetoed)  
SB 0199 Modifies the classification of counties, and various other provisions related to counties and county government (Vetoed)  
SB 0228 Enables the City of Warrenton and Shannon County to levy a transient guest tax  
SB 0299 Requires performance-based budgeting and creates the Sunset Act

- SB 0385 Modifies how taxes are calculated for workers' compensation policies with deductible options
- SB 0620 Modifies the BUILD program and implements certain job retention provisions
- SB 0675 Eliminates certain funds and charges interest against certain other funds
- HB 0122 Extends the KC public mass transportation sales tax from December 31, 2003, to December 31, 2005
- HB 0257 Allows specific tax credits to be taken on a quarterly basis (Vetoed)
- HB 0289 Creates the Missouri Downtown and Rural Economic Stimulus Act and modifies tax increment financing provisions
- HB 0600 Makes various modifications to the law on taxation

#### **TAXATION AND REVENUE-INCOME**

- SB 0011 Makes various modifications to taxation
- SB 0052 Modifies the nonresident athletes and entertainers tax
- SB 0293 Allows the department of revenue to specify the minimum income tax filing level
- SB 0504 Enables a satellite enterprise zone in Springfield
- SB 0620 Modifies the BUILD program and implements certain job retention provisions
- HB 0257 Allows specific tax credits to be taken on a quarterly basis (Vetoed)
- HB 0600 Makes various modifications to the law on taxation

#### **TAXATION AND REVENUE-PROPERTY**

- SB 0016 Allows first class counties to retain a larger percentage of a portion of the assessed valuation
- SB 0120 Allows Cass County to use a small portion of its property tax revenue for collection costs
- SB 0122 Enables the assessor in third class counties to make certain entries to the assessor's book after delivery of the book
- SB 0235 Considers the value of a redevelopment area when calculating local indebtedness limit
- SB 0295 Makes various modifications to laws regarding tax sales of land
- HB 0057 Clarifies the language to be included in the certification on each personal property tax list
- HB 0060 Changes the time period in which a taxpayer may claim a refund of taxes mistakenly or erroneously paid
- HB 0289 Creates the Missouri Downtown and Rural Economic Stimulus Act and modifies tax increment financing provisions

#### **TAXATION AND REVENUE-SALES AND USE**

- SB 0011 Makes various modifications to taxation
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| SB 0068 | Modifies provision regarding refunds of ambulance and fire protection district sales tax            |
| SB 0228 | Enables the City of Warrenton and Shannon County to levy a transient guest tax                      |
| SB 0250 | Allows certain counties to enact a one-half percent sales tax for law enforcement purposes (Vetoed) |
| SB 0269 | Enables Excelsior Springs to submit a public safety sales tax to its voters                         |
| SB 0522 | Provides an additional rate for the capital improvement sales tax                                   |
| HB 0097 | Authorizes a sales tax for law enforcement purposes in Jefferson County                             |
| HB 0122 | Extends the KC public mass transportation sales tax from December 31, 2003, to December 31, 2005    |
| HB 0181 | Authorizes a transient guest tax in certain cities  |
| HB 0600 | Makes various modifications to the law on taxation  |

#### **TEACHERS**

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| SB 0296 | Requires the state board of education to offer two levels of professional teacher certification |
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#### **TELECOMMUNICATIONS**

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| SB 0030 | Creates the Amber Alert System  |
| SB 0039 | Revises numerous provisions relating to emergency services                                |
| HB 0185 | Creates the AMBER Alert System  |
| HB 0228 | Creates a no-spam list in the Attorney General's office for unsolicited commercial e-mail |

#### **TELEVISION**

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| SB 0030 | Creates the Amber Alert System                         |
| SB 0052 | Modifies the nonresident athletes and entertainers tax |
| HB 0185 | Creates the AMBER Alert System                         |

#### **TOBACCO PRODUCTS**

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| SB 0242 | Limits the amount of a supersedeas bond in tobacco products litigation                           |
| HB 0401 | Authorizes the board of public buildings to issue additional revenue bonds for expanded purposes |

#### **TOURISM**

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| SB 0228 | Enables the City of Warrenton and Shannon County to levy a transient guest tax |
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- SB 0529 Allows certain railroads within Missouri to be designated by the division of tourism as official state railroads
- HB 0181 Authorizes a transient guest tax in certain cities

#### **TRANSPORTATION**

- HB 0122 Extends the KC public mass transportation sales tax from December 31, 2003, to December 31, 2005
- HB 0247 Allows special mobile equipment to be operated on the highways at any time under certain circumstances
- HB 0261 Designates a portion of U.S. highway 65 as the "American Legion Memorial Highway"
- HB 0318 Allows Cass County to have county traffic ordinance violations heard by associate circuit judge
- HB 0668 Enacts various accountability measures relating to the department of transportation

#### **TRANSPORTATION DEPARTMENT**

- SB 0248 Revises provisions of various retirement plans
- SB 0289 Names the portion of Highway 71 within Jasper County the "Trooper Charles P. Corbin Memorial Highway"
- HB 0162 Designates a portion of U.S. Highway 63 in Macon County as the "Pearl Harbor Memorial Highway"
- HB 0245 Designates a portion of U.S. Highway 60 as the "Korea War Veterans' Memorial Freeway"
- HB 0249 Designates a portion of State Route WW within the City of Marshall as "Butterfield Ranch Road"
- HB 0261 Designates a portion of U.S. highway 65 as the "American Legion Memorial Highway"
- HB 0327 Enacts various provisions relating to transportation and operation of motor vehicles (Vetoed)
- HB 0597 Removes requirement that township clerks file a copy of the township's fiscal and inventory reports with MoDOT
- HB 0668 Enacts various accountability measures relating to the department of transportation

#### **TREASURER, STATE**

- SB 0068 Modifies provision regarding refunds of ambulance and fire protection district sales tax
- SB 0269 Enables Excelsior Springs to submit a public safety sales tax to its voters
- SB 0346 Revises banking laws
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- SCR 001 Rejects salary increase recommendations of the Citizens' Commission on Compensation for Elected Officials
- HB 0511 Revises election laws to comply with the Help America Vote Act of 2002
- HB 0521 Allows the fire education trust fund to receive moneys from gifts, grants, or appropriations

#### **UNEMPLOYMENT COMPENSATION**

- SB 0002 Refines various provisions of employment security (Vetoed)

#### **UNIFORM LAWS**

- HB 0254 Adopts the Uniform Electronics Transactions Act

#### **URBAN REDEVELOPMENT**

- SB 0235 Considers the value of a redevelopment area when calculating local indebtedness limit

#### **UTILITIES**

- SB 0255 Eliminates PSC ratemaking oversight for certain not-for-profit electrical cooperatives
- HB 0208 Revises various provisions regarding the Public Service Commission

#### **VETERANS**

- SB 0219 Creates the Korean Conflict Medallion Program
- SB 0325 Alters provisions regarding veterans & mandates that public schools devote one class period observing Veterans Day
- HB 0187 Allows honorably discharged veterans to obtain "U.S. VET" motor vehicle license plates
- HB 0245 Designates a portion of U.S. Highway 60 as the "Korea War Veterans' Memorial Freeway"
- HB 0444 Alters the distribution of the Gaming Commission Fund

#### **WASTE-SOLID**

- SB 0546 Allows Johnson County to adopt and impose landfill fees

#### **WATER PATROL**

- SB 0001 Requires boating safety identification card to operate watercraft for certain individuals
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**WATER RESOURCES AND WATER DISTRICTS**

SB 0202 Requires access to water supply for fire protection entities during emergencies

**WEAPONS**

SB 0013 Prohibits certain suits by political subdivisions and the state against firearm manufacturers and dealers (Vetoed)

HB 0349 Allows issuance of permits to carry concealed weapons (Vetoed)

**WORKERS COMPENSATION**

SB 0385 Modifies how taxes are calculated for workers' compensation policies with deductible options

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